

# **Exhibit A**

## **Deposition Of Plaintiff Donato Aponte And Selected Exhibits**

### **Part 2**

## Donato Aponte-Navedo

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1 A I continue saying that that's on paper.  
 2 Q But, you don't know what would happen because you never  
 3 filed a Complaint. Isn't that true?  
 4 A Would you have done it?  
 5 Q I'm asking you the questions, sir.  
 6 A Well, I had to work to support my family. I had to do  
 7 everything possible to keep my job and to continue on with things  
 8 like that.  
 9 Q Okay, so you knew that there was a policy, but you  
 10 never made a verbal complaint, and you never submitted a written  
 11 complaint. Is that true?  
 12 A That's correct, but it was discussed in the group, in  
 13 the meetings that were done, and the comments that Mr. Castillo  
 14 would make.  
 15 Q Okay, are you talking us you made a complaint, under  
 16 this policy, to Mr. Castillo?  
 17 A No.  
 18 Q Did you make a complaint, under this policy, to Mr.  
 19 Duggal?  
 20 A No.  
 21 Q Did you make a complaint, under this policy, to Mr.  
 22 Ortiz?  
 23 A No.  
 24 Q Now, you also said that, during this time period, Mr.  
 25 Santiago was there. Is that right? From 2001, was he still there?

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1 A He was fired in 2000.  
 2 Q Did you ever make a complaint to Mr. Serrano?  
 3 A No, I didn't have any access directly to Mr. Serrano.  
 4 Q You could reach him by e-mail, couldn't you?  
 5 A Yes, but, in Nalco, you follow the chain of command.  
 6 Q This policy let's you complain to any Officer. He was  
 7 an Officer, wasn't he?  
 8 A Yes.  
 9 Q So, you never complained to Mr. Serrano and he was an  
 10 Officer, wasn't he?  
 11 A No, but, once again, I tell you that, during the  
 12 meetings, the comments that Mr. Castillo would make were talked  
 13 about.  
 14 Q We'll get into that. I'm asking you whether or not you  
 15 used this policy to submit something to Naperville...  
 16 A No.  
 17 Q ... or to any Officer for a period of seven years?  
 18 A No.  
 19 Q Okay, you're claiming, in this case, that you have some  
 20 type of a disability. Is that correct?  
 21 A Yes.  
 22 Q Okay, and what are claiming as your disability?  
 23 A Diabetes Type II.  
 24 Q Okay, when did you find out that you had diabetes?  
 25 A Do want exactly the date, the time?

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1 Q Did you receive a diagnosis from a physician that you  
 2 had diabetes?  
 3 A I went into the Emergency Room with a six hundred and  
 4 fifty blood sugar.  
 5 Q And, approximately, what day was that?  
 6 A That was on August 26, 2005. I was working doing a  
 7 special study in Cerveceria India. It was a Friday.  
 8 The Treatment Plant Operator noticed I was having some  
 9 weird symptoms. He forced me to go to the clinic and, in the  
 10 clinic, I had a two hundred and fifty blood sugar.  
 11 Q Okay, which clinic was this? Was this the company  
 12 clinic?  
 13 A The clinic at Cerveceria India.  
 14 Q Okay, and what did you notice about yourself?  
 15 A Who, the Operator or me?  
 16 Q What did you notice about yourself? Were you dizzy, did  
 17 you have headaches, did you have a loss of coordination?  
 18 A I was urinating a lot, I was sweating a lot, blurry  
 19 vision. I was like shaking.  
 20 Q Okay, anything else?  
 21 A And, I didn't see very well, I didn't see very well.  
 22 Q Okay, now you have a family history of diabetes, don't  
 23 you?  
 24 A Yes, that's correct.  
 25 Q Did anybody in your family die of diabetes?

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1 A Yes, my grandfather.  
 2 Q Okay, when you learned...  
 3 A Directly, he died of gangrene.  
 4 Q Okay, when you learned that you had disability, that  
 5 caused you to feel depressed, didn't it?  
 6 A No.  
 7 Q Did you think you might die?  
 8 A If I didn't take care of it, yes.  
 9 Q Okay, so you went then from the company clinic to a  
 10 hospital. Is that right?  
 11 A Yes, what I wanted to do at that time was get in my  
 12 vehicle and go home. I was very far from my home. But, the  
 13 Manager, the Health and Safety Manager of the plant, did not  
 14 allow me to do so, and he called 911.  
 15 Q He called 911, and they took him to the hospital?  
 16 A After the call was made to 911, the paramedics then  
 17 came and took my vitals. And, at that time, the blood sugar was  
 18 already over range. The glucometer couldn't read it.  
 19 At that time, I called my Supervisor, Ashok Duggal, and  
 20 I told him what was happening to me, that I was going to be taken  
 21 to the hospital.  
 22 He told me that he was with Jorge Ortiz in a meeting,  
 23 in an after hours, after a PREPA seminar. And, what they were  
 24 going to do, in order to be able to take me home, was that they  
 25 were leaving. They were going to Mayaguez so that they could take

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1 me home and take the vehicle also.

2 Q And, isn't it a fact that, when you called Mr. Duggal,  
3 you told him that your brother was going to pick you up?

4 A No.

5 Q Okay, what's the name of your brother?

6 A Iván Aponte.

7 Q And, how old is he?

8 A Now, about forty.

9 Q And, it's your testimony that you never spoke to your  
10 brother, on the day that you were diagnosed, about taking you  
11 home? Is that right?

12 A No, I spoke to my brother, and he went by the hospital.  
13 But, I told him that I was going to be picked up from Nalco.

14 Q So, you don't recall telling Mr. Duggal that your  
15 brother was going to pick you up at the hospital? Your brother  
16 was there or coming by the hospital. He was going to pick you up  
17 and take you home. You don't remember telling him that?

18 A No, no, because I spoke to my brother after I had  
19 spoken to the personnel from Nalco.

20 Q And, you called Mr. Duggal between two and three  
21 o'clock in the afternoon. Is that correct?

22 A Yes, that's correct.

23 Q Okay, and he told you that they were relating with  
24 PREPA, P-R-E-P-A, the company we talked about earlier today.  
25 That's what he told you, correct?

1 A That's correct.

2 Q And, in fact, you developed some strong personal  
3 relationships with your clients by relating to them and going to  
4 have dinner with them and having drinks with them, didn't you?

5 A That's true, but I didn't drink.

6 Q Okay, all right, and let's talk a little bit... let's  
7 finish up on the hospital.

8 You called and spoke to Mr. Duggal about two or 3:00  
9 P.M., and you'll get to ask Mr. Duggal his questions about what  
10 he said. But, you deny that you told him your brother was going  
11 to pick you up. Is that correct?

12 A That's correct, because I remembered that my brother  
13 was in the area much later after I called them.

14 Q Okay, and you remember all these events very  
15 specifically, even though you said a little... a few minutes ago  
16 that you were dizzy, and your blood sugar was very, very high? Is  
17 that right?

18 A That's correct, and I remember specifically because, at  
19 that time, I had a wife who wanted to pick me up, and I told her  
20 not to do so because we had a two month old baby whom she was  
21 breast-feeding, and that she couldn't come and pick me up.

22 Q Okay, that's not in the papers that you filed with the  
23 Court. There's no reference to your wife. Did you just remember  
24 that right now?

25 A Yeah.

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1 A That's correct, and they told me that, after that, they  
2 were coming to pick me up, that I should call when I was about to  
3 leave.

4 Q And, the meeting with PREPA, the term "relating" means  
5 that they were going to be working in a meeting with this  
6 particular client as part of the sales promotion. Isn't that  
7 true?

8 A With PREPA, "relating" means, after the seminar, going  
9 to a bar and drinking.

10 Q Okay, and did the company have an expectation that you,  
11 as a person responsible for sales, and other members of the team  
12 would go out after hours and meet with clients and talk to them  
13 and have drinks sometimes and have dinner with them to get to  
14 know the client?

15 A Yes, that's correct. I also did it.

16 Q Okay.

17 A I had dinner with clients.

18 Q Okay, and, in fact, the competitors were doing the same  
19 thing, like Chemtreat. They were out trying to entertain the same  
20 people or your clients, weren't they?

21 A Yes, that's correct.

22 Q Okay, in fact, that's how you develop relationships,  
23 personal relationships, with these clients? It's meeting them  
24 after hours and getting to know about their families and their  
25 children and their activities. Isn't that true?

1 Q Okay, so, when you signed these Answers and swore to  
2 them, under oath, you didn't remember anything about your wife  
3 breast-feeding? Is that right?

4 A Correct, you've helped me to remember things.

5 Q So, you deny that you told Mr. Duggal that you were  
6 going to have your brother pick you up.

7 What time did the doctors tell you that you were going  
8 to be discharged?

9 A There was no discharge time. I was discharged at about  
10 ten in the evening.

11 Q Okay, now you say "When I was about to be discharged  
12 from the hospital, I called Mr. Duggal." So, I was asking you  
13 when were you about to be discharged? Is that ten o'clock at  
14 night?

15 A When I was told that I was going to be discharged, at  
16 ten in the evening, that I thought that they were already going  
17 to be in the area.

18 Q And, so it's your testimony that then you called Mr.  
19 Duggal, and Mr. Duggal told you he was drunk? Is that your  
20 testimony? Is that what he told you?

21 A Well, when you've been working for people for so long  
22 and you hear how they get, you know how they get, how they talk,  
23 his tongue was already heavy. His speech was heavy.

24 And, he said "Look, we're going to go to Jorge's place.  
25 And, from there, then we're going to pick you up."

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1 Q Okay, in your verified statement here, you said that  
 2 Mr. Duggal called you... you called Mr. Duggal, and he told you  
 3 he was drunk. He didn't tell you he was drunk, did he?  
 4 A Yeah.  
 5 Q You just told me that you made a self-diagnosis. He  
 6 didn't say "I'm drunk.", did he?  
 7 A Can I clarify?  
 8 Q I want an answer whether or not he said to you "I'm  
 9 drunk."  
 10 A Yes.  
 11 Q Okay, what else did he say?  
 12 A That they were going to go up to where Jorge was, they  
 13 were going to go to Ponce to drop off the car, and then they  
 14 would pick me up. At that time, I told them "Forget it. I'll deal  
 15 with it."  
 16 Q Okay, in fact, you told Mr. Duggal not to worry, didn't  
 17 you? That's what you said in your Sworn Statement?  
 18 A Of course. I told him not to worry because what was I  
 19 going to do?  
 20 Q Did you tell Mr. Duggal that you would take a cab,  
 21 asked him if you could take a cab, and the company would pay for  
 22 it?  
 23 A No, no.  
 24 Q Okay, did you ask Mr. Duggal to have him send somebody  
 25 else from the company to pick you up?

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1 A No.  
 2 Q Okay, did you then call your wife up and ask her to  
 3 come and pick you up?  
 4 A No.  
 5 Q Did you call your brother, at that point in time, and  
 6 ask him to come and pick you up?  
 7 A My brother was already in Dorado.  
 8 Q That's not my question. The question is did you call  
 9 your brother?  
 10 A No.  
 11 Q Okay, so you drove home, slowly to your home, with  
 12 blurred vision. Is that right?  
 13 A Yes, that's correct.  
 14 Q The doctor had released you from the hospital. Is that  
 15 correct?  
 16 A Yes.  
 17 Q The doctor didn't tell you that you couldn't drive, did  
 18 he?  
 19 A No.  
 20 Q How fast did you drive on the way home? You said "I  
 21 drove slowly.". How slow were you driving?  
 22 A Like forty, forty-five miles.  
 23 Q Forty-five miles per hour?  
 24 A Uh huh.  
 25 Q You have to answer out loud.

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1 A Yes, yes.  
 2 ATTORNEY LIES: Let's take a break.  
 3 (Off the record.)  
 4 (Brief recess.)  
 5 (Back on the record.)  
 6 ATTORNEY LIES: Back on the record.  
 7 BY ATTORNEY LIES:  
 8 Q Before the break, we were talking about the date that  
 9 you received the diagnosis of diabetes and what occurred on that  
 10 particular day. You recall that, do you not, sir?  
 11 A Yes.  
 12 Q And, you are claiming as your disability in this case  
 13 that you have Diabetes Type II. Is that correct?  
 14 A Yes.  
 15 Q Okay, all right, and are you taking any medication for  
 16 your diabetes right now?  
 17 A Yes, that's correct.  
 18 Q And, what medication?  
 19 A Right now, I'm taking Metformin.  
 20 Q How do you spell that?  
 21 A M-E-T-F-O-R-M-I-N, if I'm not mistaken.  
 22 Q Metformin, okay. And, how frequently do you take that?  
 23 A Twice a day.  
 24 Q Do you test your blood sugar?  
 25 A Yes.

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1 Q How frequently?  
 2 A At least once a day.  
 3 Q Since being diagnosed with diabetes, I just want to ask  
 4 you about your normal activities. Are you still able to get out  
 5 of bed in the morning?  
 6 A Yes, that's correct.  
 7 Q Are you able to brush your teeth?  
 8 A Yes.  
 9 Q Are you able to get yourself dressed?  
 10 A That's right.  
 11 Q Are you able to bathe yourself, shave, shower and groom  
 12 yourself?  
 13 A Yes.  
 14 Q Are you able to drive a car?  
 15 A Yes.  
 16 Q Are you able to perform work around your house, keeping  
 17 your house clean?  
 18 A Yes, but sometimes I get tired a lot.  
 19 Q Okay, are you able to buy groceries?  
 20 A Yes.  
 21 Q Are you able to cook or prepare meals?  
 22 A Yes.  
 23 Q I think you already answered this in your answers. But,  
 24 are you able to play with your kids?  
 25 A Yes.

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1 Q What kind of games do you play with your kids? Do you  
 2 throw a baseball with them at all?  
 3 A No, I don't play baseball with them.  
 4 Q Okay, what type of games do you play with your kids?  
 5 A We play in the house, sometimes I take him to ride his  
 6 bicycle.  
 7 Q Do you ever take your kids swimming?  
 8 A Yes, I take them to swim, yes.  
 9 Q Okay, do you ever take them on walks?  
 10 A It's not very common.  
 11 Q Okay, are you able to fix things around the house?  
 12 A Some, yes.  
 13 Q Okay, can you operate a vacuum in your house?  
 14 A Yes.  
 15 Q Can you make your bed?  
 16 A Yes, but I don't.  
 17 Q Okay, can you wash dishes?  
 18 A Yes.  
 19 Q Okay, can you do laundry?  
 20 A The machine does it, yes.  
 21 Q Okay, and are you able to work on your computer?  
 22 A Yes.  
 23 Q And, you're currently able to work? Is that right?  
 24 A Yes.  
 25 Q Do you ever drive your children places?

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1 A Yes.  
 2 Q What kind of hobbies do you have?  
 3 A Hobbies, bonsais.  
 4 Q Is that working on trees?  
 5 A Little ones.  
 6 Q Okay, how long have you had that hobby?  
 7 A I began in 1980. I stopped in 1982 to go to college.  
 8 And, then, as a method to lower stress, I began with it again in  
 9 2006.  
 10 Q Do you and Belkis take your children out together to do  
 11 things together?  
 12 A Sometimes.  
 13 Q Okay, when you and Belkis take the children out, what  
 14 type of activities do you do with the children?  
 15 A Almost always we go to El Moro to fly kites.  
 16 Q To what?  
 17 ATTORNEY CUADROS-PESQUERA: El Moro, the fortress.  
 18 BY ATTORNEY LIES:  
 19 Q Okay, to fly kites, okay. And, how often do you do  
 20 that?  
 21 A Before, I tried to do it approximately twice a month.  
 22 Now, we practically don't do it.  
 23 Q How frequently do you and Belkis see each other, on a  
 24 daily basis?  
 25 A No.

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1 Q Do you see each other once a week?  
 2 A Yes, when I go to see the kids.  
 3 Q Okay, do you and Belkis ever go out together without  
 4 the kids?  
 5 A No.  
 6 Q What other activities do you and Belkis do with the  
 7 kids?  
 8 A When I take them to the pool, when we go out for Daniel  
 9 to ride a little bit his bicycle, and sometimes, but rarely, to  
 10 the movies.  
 11 Q And, do you also go to celebrate your children's  
 12 birthdays with Belkis?  
 13 A Yes.  
 14 Q And, do you and Belkis get together during the  
 15 holidays, say for Christmas, with the children?  
 16 A Yes, I mean the families get together on Christmas.  
 17 Q And, what other activities do you and Belkis do  
 18 together with the children?  
 19 A Sometimes we go to the mall. Before, we used to go out  
 20 to dinner to someplace, but now it's been almost like six months,  
 21 about six months, that we don't do it anymore.  
 22 Q And, what is the reason that you don't go out to dinner  
 23 with the children anymore with Belkis?  
 24 A Financial.  
 25 Q Any other activities that you and Belkis engage in

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1 together with your children?  
 2 A The first day of school we took the kids together to  
 3 school.  
 4 Q Okay, anything else?  
 5 A No.  
 6 Q Okay, you spoke before, when we were talking about  
 7 diabetes before, about drinking. Do you recall that, that you  
 8 don't drink?  
 9 A Yes, normally, I don't drink.  
 10 Q And, when was the last time you had a drink of alcohol?  
 11 A Let me remember. It was July 15th of this year.  
 12 Q And, what was the occasion?  
 13 A An open-house at work.  
 14 Q Okay, and what did you have to drink?  
 15 A A glass of wine.  
 16 Q Okay, before that, before July 15th of 2010, when was  
 17 the last time you had a drink of alcoholic liquids?  
 18 A At Christmas.  
 19 Q Okay, and what did you drink?  
 20 A I was given a little bit of coquito.  
 21 Q What is that?  
 22 ATTORNEY MC CARTNEY: It's like coconut eggnog.  
 23 BY ATTORNEY LIES:  
 24 Q And, what was that occasion? Where were you when you  
 25 drank it, the eggnog?

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1 A At home, in a family gathering.  
 2 Q Was Belkis there?  
 3 A Yes, it was Belkis' family, the children, and we were  
 4 all at home, and my family also.  
 5 Q Which home? Which home were the people at?  
 6 A Of Toa Baja.  
 7 Q At Belkis' house?  
 8 A Yes.  
 9 Q Okay, do you go over to Belkis' house for family  
 10 events?  
 11 A Yes, my children are there.  
 12 Q Okay, and would it be a fair statement you're at  
 13 Belkis' house at least once a week?  
 14 A Yes, and that's how it's stated in the divorce  
 15 Complaint.  
 16 Q Okay, now you said that... you were starting to tell us  
 17 a little bit about drinking at company events. Do you recall  
 18 that?  
 19 A Yes.  
 20 Q You attended company events that were for the sales  
 21 organization, didn't you?  
 22 A Yes, that's correct.  
 23 Q And, if you wanted to have an alcoholic drink, you  
 24 could? Is that right?  
 25 A Yes.

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1 Q And, if you wanted to drink a soft drink, you could  
 2 drink that too, couldn't you?  
 3 A Yes.  
 4 Q And, if you wanted to drink water, you could drink  
 5 water, couldn't you?  
 6 A Yes, that's correct.  
 7 Q And, at some of the occasions, you had a drink? Is that  
 8 right?  
 9 A Yes, to be within the group.  
 10 Q Okay, and no one told you that you had to have a drink?  
 11 No one walked up to you and handed you a drink and said "You have  
 12 to drink this drink.", did they?  
 13 A No, but it was said that one of the requirements to be  
 14 of Nalco was that you had to drink.  
 15 Q And, in some of the occasions, you didn't have any  
 16 alcohol to drink? Is that right?  
 17 A Correct.  
 18 Q Okay, and, for many years, you went to events and you  
 19 didn't have any alcohol to drink... is that right... sales  
 20 events... you didn't have any alcohol to drink? Is that right?  
 21 A Correct.  
 22 Q Okay, but you still kept your job even though you  
 23 weren't drinking, didn't you?  
 24 A That's correct, but what I would do is I would get a  
 25 beer and I'd keep that beer all night. Or I would get a drink and

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1 I would keep that drink in my hands all night or some orange  
 2 juice, and just keep that orange juice in my hands all night.  
 3 Q Did anyone go around, at any of the sales meetings, and  
 4 take a count about whether or not you were drinking alcoholic  
 5 beverages or not? Did somebody keep track of that?  
 6 A No.  
 7 Q Did anyone ever come up to you and say "Are you just  
 8 drinking orange juice or is that alcohol?" Did anybody ever come  
 9 up and ask you that?  
 10 A No.  
 11 Q Did anybody ever come up and say to you "Gee, you've  
 12 been drinking the same beer all night."?  
 13 A That did happen.  
 14 Q Okay, and who came up to you?  
 15 A Any one of the other salespersons that was there. And,  
 16 I was at a place in Columbia where somebody came up to me with a  
 17 cup, and they gave instructions to somebody else and told them  
 18 that that cup had to be empty, that that cup couldn't have  
 19 anything in it (sic).  
 20 Q Okay, all right, and what was in the cup?  
 21 A Ron Caldas, eight years.  
 22 Q Okay, and when was that?  
 23 A That was in Chinchiná, Columbia.  
 24 Q Approximately, when?  
 25 A I'm sorry, it was in Pereira... in Pereira.

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1 Q When?  
 2 A I am searching. I don't remember when that was. I went  
 3 to give a training to the Colombian sales force on 3D Trasar, and  
 4 that was in May, 2007, if I'm not mistaken.  
 5 Q And, did you drink whatever was in that drink?  
 6 A At that time, yes.  
 7 Q Okay, and did the other sales people who were there  
 8 take the drink?  
 9 A Yes.  
 10 Q Okay, was this kind of a custom, they passed this drink  
 11 around to see if everybody wanted a drink? Was it some type of a  
 12 Colombian custom?  
 13 A Up to a certain point, yes.  
 14 Q Okay, so you drank one drink... is that right... this  
 15 drink in Columbia that had some rum in it?  
 16 A No, it was like three.  
 17 Q And, did other people there drink three drinks?  
 18 A More.  
 19 Q Okay, so you drank less than everybody else?  
 20 A Yes, always.  
 21 Q Now, we've already talked about complaints and the  
 22 company policy concerning discrimination.  
 23 You have to tell me did you ever call anyone in  
 24 Naperville or did you ever send an e-mail to Naperville telling  
 25 people that you were, in your view, having to drink when you

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1 didn't feel like drinking? Did you ever send a complaint about  
2 that?  
3 A No.  
4 Q So, if I understand it, there were some occasions where  
5 you went to the sales meeting and you drank nothing of alcohol.  
6 Is that right?  
7 A Correct.  
8 Q And, there were some meetings where you went and you  
9 had one beer. Is that right?  
10 A Yes.  
11 Q And, there were some meetings you went to and you had  
12 orange juice?  
13 A Yes, correct.  
14 Q So, it would vary on the occasion whether or not you  
15 would have something to drink or not. Is that right?  
16 A That's correct.  
17 Q And, you kept your job for many, many years even  
18 though, on some occasions, you had nothing to drink, you had one  
19 beer, you had orange juice or maybe you had more than that. You  
20 kept your job that whole time, didn't you?  
21 A Correct.  
22 Q Did anyone ever say that you were gay because you  
23 wouldn't drink?  
24 A No.  
25 Q Now, let me hand you what's been marked as Exhibit 019.

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1 ATTORNEY LIES: And, for the record, these are your  
2 Answers that you filed to the first set of Interrogatories,  
3 and I'd like you to turn to the last page.  
4 (Whereupon, the above-referenced document was marked as  
5 Exhibit 019 of the deposition.)  
6 BY ATTORNEY LIES:  
7 Q And, where it says "Statement Under Penalty of  
8 Perjury", it says... and apparently you signed these on November  
9 3, 2009, in San Juan. Do you see your signature there?  
10 A Yes, that's correct.  
11 Q Okay, and did you read these Answers before you signed  
12 them?  
13 A Yes, I wrote them.  
14 Q Okay, all right, let's talk about Mr. Castillo.  
15 A That's good.  
16 Q Now, when was the... the first time you met Mr.  
17 Castillo you told me that... or you told us, I should say, that  
18 it was at a... there was a general meeting, and then he met with  
19 each person, including you, for about ten minutes. Is that  
20 correct?  
21 A Yes.  
22 Q Okay, and where was this first meeting again?  
23 A That was in the office that was in Caparra, Chalets of  
24 Caparra.  
25 Q Okay, now you also told us, I believe, that Mr.

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1 Castillo came into the area every two or three months. Is that  
2 right? Is that correct?  
3 A Correct.  
4 Q Okay, so, if he came every two or three months, then  
5 you would see him four times a year... if it was every two or  
6 three months... or maybe five times a year?  
7 A Many times more.  
8 Q Okay, well, if he only came into town ever two to three  
9 months, where else could you see him or you saw him more  
10 frequently than that?  
11 A What happens is that Castillo would usually come for a  
12 week. And, many times, on many occasions, I had to pick him up at  
13 the hotel. So, I would see him about four times. I'd have to pick  
14 him up four times and bring him to the office.  
15 So, that's why I would see him more times than just  
16 once during his visit. I would see him about four times during  
17 his visit.  
18 Q Okay, so, when you picked him up at the hotel, which  
19 hotel did he stay at?  
20 A Well, usually, he liked the hotel that's in Condado.  
21 The Caribe Hilton is the one on the corner. Yes, the Caribe  
22 Hilton.  
23 Q So, you would pick him up in the morning and take him  
24 to the office? Where would you take him?  
25 A Usually, I would take him to the office or to see a

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1 client that another representative would pick him up at that  
2 location.  
3 Q And, about how much time would you spend with him when  
4 you would pick him up at the hotel and take him to the client?  
5 Would you then leave him there?  
6 A Well, that would depend if it was my client, if was  
7 somebody else's client or if it was the office. So, it would be  
8 an hour, two hours, depending on the distance.  
9 Q Okay, and what time would you usually pick him up in  
10 the morning?  
11 A Close to... between eight and eight, thirty in the  
12 morning.  
13 Q Okay, and, on the way to either the office or visit a  
14 client, would you talk about each other's families?  
15 A Yes.  
16 Q And, would you talk about other people who worked for  
17 the company that you knew?  
18 A Well, yes, I would ask about the people who were  
19 working in Columbia that I knew.  
20 Q Okay, so would these be what you would call social  
21 communications that you had with him about people that you knew  
22 and about work? Is that generally what it is?  
23 A Some, yes, and some were more regarding projects and  
24 clients.  
25 Q Okay, were they... so they were also business-related.

37 (Pages 145 to 148)

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1 Is that correct?

2 A Yes.

3 Q And, when you met with him, did he ever tell you that  
4 he expected you to drink at work?

5 A Yes, that I be more a part of the group.

6 Q Okay, and did he tell you that he wanted you to be more  
7 a part of the group so that you could network or make a network  
8 with the other people at work?

9 A No, rather after hours.

10 Q So, he told you that he wanted you to meet and get  
11 together with the other people in the group after hours to  
12 network. Is that what he told you?

13 A With the people at work, yes.

14 Q Okay, and did you do that?

15 A On occasions, I tried, but I couldn't get home too late  
16 at night. At times, I thought that the other co-workers didn't  
17 like being at their homes because they would get to their homes  
18 so late.

19 Q Okay, so you didn't like to stay around in the evenings  
20 and network because you wanted to get home. Is that right?

21 A That's correct, because I began work at five in the  
22 morning, and my idea wasn't to stay until seven, eight or nine in  
23 te evening at El Mariachi. That wasn't my idea of working.

24 If it was with a client, I would stay whatever time it  
25 was working at a plant, but not drinking or spending time

1 time is short. And, many times I was late visiting these clients.

2 I was until four to five in the afternoon.

3 Q Okay, well, I asked you what information, on any  
4 documents, talked about you going home early. And, this is the  
5 only reference you have, in Exhibit 005, that says "You cannot  
6 seem to be impatient or with little time."? That's your  
7 reference?

8 A There's another exhibit that states that you have to  
9 work ten hours or more hours, whatever time is necessary. That's  
10 what separates men from children.

11 Q Okay, so let's go back to Mr. Castillo. You picked him  
12 up in the morning. He would come into town every two to three  
13 months. He'd be there for a week. You'd pick him up four or five  
14 mornings in the morning.

15 You'd drive him into work, and you'd talk about your  
16 families, and you'd talk about people at work and things of that  
17 nature and business. Did you talk about anything else?

18 A Well, he would make comments about what he had done the  
19 night before.

20 Q And, were you... had you been with him the night  
21 before?

22 A No.

23 Q Okay, did you ever tell him that you didn't want to  
24 hear what he did the night before?

25 A No.

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1 socially.

2 Q Okay, now we looked earlier today at the Performance  
3 Improvement Plan that you got from the company concerning your  
4 clients and the problems with your clients.

5 There was nothing in there criticizing you for going  
6 home early, was there?

7 A Can you give me that exhibit?

8 Q Which exhibit? There's a lot of exhibits.

9 A I think it's five.

10 PAUSE

11 (Revision of documents by Deponent.)

12 A It's not this exhibit. There's another one.

13 PAUSE

14 (Continued revision of documents by Deponent.)

15 A Okay, number ten, it says "You cannot seem to be  
16 impatient or with little time."

17 BY ATTORNEY LIES:

18 Q Okay, and you understood that to mean what?

19 A That I had to be working all the time, no matter what  
20 time it was, with the client.

21 Q It says "You cannot seem to be impatient." And, that  
22 didn't mean to you that he's telling you not to be in a hurry, to  
23 slow down?

24 A Well, yes, that's correct. But, when you have to visit  
25 three clients in one day and you're driving four to six hours,

1 Q Okay, did he tell you that he wanted to go out drinking  
2 and with women?

3 A Yes, that's the reason why he didn't like to stay at  
4 the Four Points, in Caguas. Because, at the Four Points, he just  
5 had the casino, and there were elderly people who would go there  
6 and play.

7 And, at the other hotel, there wasn't an old people  
8 environment. The disco was there... it was close... and that he  
9 could go out dancing and drinking, whatever he wanted to do.

10 Q So, he liked... when he was in town and by himself, he  
11 liked to go out drinking and dancing? Is that what he told you?

12 A Yes.

13 Q And, do you know whether or not other people in the  
14 group ever went out dancing?

15 A Here, no.

16 Q Okay, do you know whether...

17 A But...

18 Q Oh, go ahead, go ahead.

19 A But, in the meetings outside of Puerto Rico,  
20 practically the whole group would go out dancing to discotheques.

21 Q Okay, do you like to dance?

22 A Yes.

23 Q Do you ever dance with Belkis?

24 A Yes.

25 Q Did you ever dance with your first wife?

38 (Pages 149 to 152)

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## Donato Aponte-Navedo

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<p>1 A No.</p> <p>2 Q You never danced with your first wife, okay, okay. And,</p> <p>3 what type of dancing do you like?</p> <p>4 A Merengue.</p> <p>5 Q Okay, any other?</p> <p>6 A Bolero, slow dancing.</p> <p>7 Q Okay, do you consider yourself a good dancer?</p> <p>8 A No.</p> <p>9 Q Okay, do you step on your partner's feet?</p> <p>10 A Yes, and my own.</p> <p>11 Q Okay, so you have gone dancing at events, company</p> <p>12 events. Is that right or not? You never danced?</p> <p>13 A The only place that I danced was in Pereira.</p> <p>14 Q Okay, now, at some of the company events, wives could</p> <p>15 be brought along. Is that right?</p> <p>16 A For the Service Representatives, no. For the people who</p> <p>17 are more at the top, in management, yes.</p> <p>18 Q Okay, so did you ever go to any events for the company</p> <p>19 where Belkis was invited to come along?</p> <p>20 A There was a dinner, but there was no dancing.</p> <p>21 Q Okay, so, when you were at a company event... you said</p> <p>22 you were at one company event and you danced. Is that right?</p> <p>23 A Yes.</p> <p>24 Q And, where was that company event again?</p> <p>25 A Well, that was when I went to give the 3D Trasar</p>	<p>1 time, two dances?</p> <p>2 A Twice.</p> <p>3 Q Twice, once at each event you danced?</p> <p>4 A No, in each.</p> <p>5 Q Okay, who did you dance with, people from the company?</p> <p>6 A Yes.</p> <p>7 Q So, you danced with people that you knew?</p> <p>8 A Yes, that's correct.</p> <p>9 Q Okay, and these were not people that you had any sexual</p> <p>10 interest in? They were just people you worked with, correct?</p> <p>11 A That's correct.</p> <p>12 Q And, the people you danced with didn't touch you</p> <p>13 inappropriately sexually, did they?</p> <p>14 A No.</p> <p>15 Q Okay, they didn't touch any of your sexual organs, did</p> <p>16 they?</p> <p>17 A Correct.</p> <p>18 Q And, you didn't touch any of their sexual organs, did</p> <p>19 you?</p> <p>20 A No.</p> <p>21 Q Did you enjoy... did you have fun dancing with this</p> <p>22 person or did you not like dancing with this person?</p> <p>23 A Yes, these were people I knew, that I had known for</p> <p>24 some time, for quite an amount of time.</p> <p>25 Q And, what kind of dances were they?</p>
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<p>1 training for the Colombian sales force, in Chinchiná. It was</p> <p>2 during... or the last night that all the group went to Pereira.</p> <p>3 That was the last night, and there was sort of a get-together.</p> <p>4 I was the only person from Puerto Rico, and they didn't</p> <p>5 let me stay alone at the hotel. So, I went there, to Pereira, and</p> <p>6 that's where I danced and that's where I also had the three</p> <p>7 drinks. Can I make a correction?</p> <p>8 Q Sure.</p> <p>9 A On two occasions, I danced, on that one and in</p> <p>10 Cartagena.</p> <p>11 Q So, on two occasions, you danced? At two company</p> <p>12 events, you danced? Is that correct?</p> <p>13 A That's correct.</p> <p>14 Q Okay, and how many company events were there, ten,</p> <p>15 twenty, thirty? How many events were there?</p> <p>16 A No, that time there were... I didn't go to ten. I went</p> <p>17 to less.</p> <p>18 Q How many events did you go to?</p> <p>19 A Cancún, Merida, Cartagena, Pereira. There were two in</p> <p>20 the Dominican Republic.</p> <p>21 Q So, six events you went to?</p> <p>22 A Approximately, yes.</p> <p>23 Q And, you danced at two of them?</p> <p>24 A Uh huh.</p> <p>25 Q And, how many dances did you dance, one dance each</p>	<p>1 A Merengue.</p> <p>2 Q And, while you were dancing, did you talk to them?</p> <p>3 A Yes, we would talk.</p> <p>4 Q Okay, did you smile at them?</p> <p>5 A Yes, when we were talking, yes.</p> <p>6 Q And, when you were done with the dance, did you thank</p> <p>7 them for the dance?</p> <p>8 A Of course.</p> <p>9 Q Okay.</p> <p>10 A In fact, one of them had visited my home and had met</p> <p>11 Belkis. When she was in Puerto Rico, we gave her a ride around</p> <p>12 the island.</p> <p>13 Q What's her name?</p> <p>14 A I don't remember the last name, but her name is Sandra.</p> <p>15 Q Would you consider her to be a friend? You invited her</p> <p>16 to your house.</p> <p>17 A We were with my family going around the island, yes.</p> <p>18 Q Okay, so you were dancing with a friend? Is that right?</p> <p>19 A Yes.</p> <p>20 Q Any other times that you danced at any of these events?</p> <p>21 A Not that I remember.</p> <p>22 Q Okay, you never... at any of these events, you never</p> <p>23 had any type of intimate, sexual encounters with any third</p> <p>24 persons, did you, sir?</p> <p>25 A No.</p>

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Q I don't mean to embarrass. I'm asking you these questions because of the answers that you gave. I don't... it's not my intent to embarrass you.

A No, no.

Q Okay, so you were never asked to go... associate with a prostitute, were you?

A Not me. And, even if I was asked, I didn't look for that sort of thing. I didn't do that sort of thing.

Q Okay, and would it be fair to say that, when you were at these events, you socialized with people for a little while, maybe you had one dance, maybe you had a drink or not, and then you went to your room? Is that right?

A Yes.

Q Okay, and Mr. Castillo never told you that you had to associate with a prostitute, did he?

A Well, he would put the situation to me. He would ask me, and he asked me on several occasions. It wasn't in the activities. It was when we were in the car.

And, he would ask me, if this hot girl would... and I have to say it just as he would say it... if this hot girl would just put it in my face, wouldn't I eat it up?, to which I answered "No."

And, he would ask this again on several situations. He would ask me about a situation like that, and I would tell him

him to see a client. And, if he was at the office and I would go by the office that day, I would see him at the office two or three times during that day.

Q Okay, now, when you had your meetings with Mr. Castillo, he didn't talk about women on every occasion, did he?

A No.

Q In fact, many of the conversations were all about families and business. Is that right?

A Yes.

Q And, when you went to meet with clients and you were sitting in a meeting with him and clients, you weren't talking about... or he wasn't talking about women, was he?

A Correct.

Q Now, you... in Exhibit... did... you referred to one incident that took place on a bus called the "Duck", and you were asked to dance. Is that right?

A Yes.

Q Okay, and, apparently, this was some type of a bus that would go into the water for a trip around the bay, and that's why they called it a Duck. Is that correct?

A Yes, that's correct.

Q Okay, and, according to your remembrance, everybody was dancing. How many people were in this group?

A The name... I mean the number I don't remember. But, you had the people from Central America, from the Dominican

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no.

Q So, he sometimes talked about sex, and you told him that you weren't interested in what he was talking about? Is that right?

A I wouldn't tell him that I wasn't interested, but I would change the topic.

Q Okay, and then did the topic change to something else? Did you talk about something else?

A On some occasions, he would insist on the topic, and I would again change the topic. And, on some occasions, the topic would just change.

Q And, you never called Naperville or you never sent a written complaint to Naperville about any of these conversations, if you didn't like these conversations? Is that correct?

A That's correct, and it's the same answer that I've given before.

Q So, Mr. Castillo would come to Puerto Rico every two to three months. So, if we figure, that means he's here four weeks out of the year. And, you saw him in the mornings as you drove him to work.

You saw him fifteen times, twenty times, during the year. Would that be a fair statement?

A Sometimes more.

Q Sometimes more what? What does that mean?

A Because I would take him to the office or I would take

Republic, the people from Florida, the Cubans, and the people from Puerto Rico, but I don't remember the number.

Q Okay, and you said everyone was dancing. So, did all the other people dance?

A Yes, it was the sort of dance that everybody is dancing in a circle, and they get people in the middle of the circle to just clown around.

Q Okay, so everybody is in a circle, and they're kind of laughing. Is that right? You're all standing in a circle, people are dancing, and somebody gets in the middle. Is that right?

A Correct.

Q And, so you didn't want to get in the center of the circle and dance. Is that right?

A Correct.

Q Okay, and did you get in the center of the circle?

A No, in the beginning, I didn't. But, then, because of the pressure, because colleagues would come up to me and say "Hey, Castillo wants you to do it. If you don't do it, you can get into problems, in trouble with him.", so I did it.

Q Okay, were there women in the group?

A Yes, and co-workers.

Q So, some women got in the center and danced?

A If they mentioned them, they would go in.

Q Okay, and some men got in the dance, in the middle? Is that right?

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1 A Yes.  
 2 Q So, it was equal sex? Both sexes got in the middle and  
 3 danced? Is that right?  
 4 A Yes.  
 5 Q Okay, and did anyone tell you that, if you didn't get  
 6 in the center and dance, they would think that you weren't a man?  
 7 A No, but that I could have problems with Castillo.  
 8 Q Did you ever go up to Mr. Castillo that night and say  
 9 "I don't want to dance."  
 10 A I, on several occasions, said no, no, that I didn't  
 11 want to, but they continued insisting.  
 12 Q Okay, and was everybody kind of clapping and saying  
 13 "Come on, Donato, get in the middle and dance." All the people  
 14 were clapping, weren't they?  
 15 A That's correct.  
 16 Q Okay, so everybody was having a good time and wanted  
 17 you to get in the middle and dance along with them so you'd have  
 18 a good time too. Is that right?  
 19 A That's correct, but I didn't want to, and I had to do  
 20 it just to take the group pressure off of me, and that Castillo  
 21 would be happy with me because I was part of the group.  
 22 Q Okay, and Mr. Castillo wanted to build a very solid  
 23 sales organization where everybody felt that they were part of a  
 24 group. Isn't that right?  
 25 A Yes, but that didn't mean that it had to be forcing

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1 people to do things that they didn't want to do.  
 2 Q Okay, and one of the reasons everybody went out on this  
 3 little boat together is so you could all get to know each other  
 4 better. Isn't that right?  
 5 A It was part of the District meeting that was occurring.  
 6 Q Okay, and, during the course of this meeting, did you  
 7 have conversations with other employees in the group?  
 8 A Yes.  
 9 Q And, did you enjoy meeting the other people who were on  
 10 the boat and enjoy the conversations that you had with them?  
 11 A We already knew each other.  
 12 Q Okay, so you considered these people to be your  
 13 professional friends? Is that right?  
 14 A Yes.  
 15 Q Okay, and so you were enjoying the evening being with  
 16 our friends? Is that correct?  
 17 A That's correct.  
 18 Q And, how long were you dancing in the center of this  
 19 group, a minute, two minutes?  
 20 A I jumped in the middle of the circle, I was there for  
 21 about ten seconds, and then I jumped out.  
 22 Q And, while you were in the center for ten seconds, what  
 23 did you do? Did you wave your hands, did you shake your body?  
 24 What did you do?  
 25 A Whatever they wanted you to do, which was to just clown

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1 around.  
 2 Q Okay, what were other people doing to clown around?  
 3 Were they making faces, were they waving their hands? What were  
 4 the other people doing?  
 5 A Each one did whatever they... I mean some of them  
 6 danced, some of them just clowned around.  
 7 Q All right, did anything else happen on the Duck that  
 8 night, besides you getting in the center of this circle for ten  
 9 seconds and getting right back out again? Did you do any other  
 10 dancing, anything else?  
 11 A Not in the boat.  
 12 Q And, this occurred in 2005 or 2006. Is that right?  
 13 A Yes.  
 14 Q And, so you continued to work for the company for, at  
 15 least, two more years after that, if it was in 2006? Is that  
 16 right? You were still employed for two years after that?  
 17 A Yes.  
 18 Q Okay, now you also say that, when Mr. ... you and Mr.  
 19 Castillo were in the car, when you would pick him up, he would  
 20 ask you about your health. Is that right?  
 21 A He would ask how did I feel.  
 22 Q Okay, did you ever ask him how he felt?  
 23 A Yes, I would ask just by courtesy.  
 24 Q Okay, did you consider Mr. Castillo to be a  
 25 professional friend?

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1 A Like my boss.  
 2 Q Did... when he asked you about your health, did you  
 3 tell him about your health?  
 4 A Yes, when he would ask me, yes.  
 5 Q Okay, and, when you asked him about his health, did he  
 6 tell you about his health?  
 7 A What he would say always was that he was all right.  
 8 Q And, when he asked you about your health, did you...  
 9 what did you tell him about your health or did you tell him  
 10 anything?  
 11 A The truth.  
 12 Q Okay, what did you tell him about your health?  
 13 A If I would feel bad, I would tell him. I would tell him  
 14 exactly how I felt at that time. And, he would always tell me  
 15 "Whenever I ask you, you say that you're in a bad state, and you  
 16 shouldn't say that. You should say that you're all right. You  
 17 should have a positive attitude and say that everything is fine,  
 18 that you're doing okay."  
 19 He would tell me that I didn't have any energy, that I  
 20 didn't have any drive. He would always ask me about my weight and  
 21 how was it, if I had been losing weight. Whenever I would tell  
 22 him that, yes, I had been losing weight, that I had lost 'X'  
 23 amount of pounds, he would laugh and say "I don't believe you."  
 24 Q Okay, so did you lose any weight?  
 25 A Yes.

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1 Q Okay, and so, when he asked if you lost weight, he  
2 didn't believe you? Is that right?  
3 A Correct.  
4 Q Okay, so it's nothing more than he didn't agree that  
5 you lost weight. Is that what it is? You said "I lost weight.",  
6 and he said "I don't think so.". Is that what he said?  
7 A He would do it mockingly.  
8 Q Oh, okay. So, did he have a... was he sarcastic  
9 sometimes?  
10 A Very.  
11 Q Okay, did he tease you sometimes?  
12 A Yes.  
13 Q Okay, did you ever kid back with him?  
14 A Not usually.  
15 Q Not usually. But, sometimes you did kid back with him?  
16 A When we were all in a group, if a joke was going on,  
17 then, yes, everybody would laugh, but it wasn't something that  
18 was common.  
19 Q Now, when you talked to Mr. Castillo, was Mr. Castillo  
20 one of these people that is always very positive? He never sees  
21 anything negative? Is that how you viewed him?  
22 A You could say so.  
23 Q Okay, and you've seen salesmen in your life. And,  
24 aren't salesmen... don't they try to be really positive, to be  
25 enthusiastic, so they can get you to buy things?

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1 A Yes.  
2 Q Okay, so, Mr. Castillo, I think you told us, had a  
3 background, an educational background, in Economics. Is that  
4 right?  
5 A No.  
6 Q Okay, what do you understand his background is?  
7 A Engineering.  
8 Q Okay, had Mr. Castillo been in sales for many years?  
9 A Yes, that's correct.  
10 Q And, in fact, you understood that his job was to be  
11 head of the sales organization, wasn't it?  
12 A Yes.  
13 Q And, one of the things that he tried to tell the whole  
14 group was to be very positive, when you went out to talk to a  
15 client, so that you could try to get the client to buy products  
16 or services from Nalco. Is that right?  
17 A That's correct. Yes, that's correct. He expected  
18 everything to be positive, no matter what was happening.  
19 Q Okay, do you not like people who are always positive  
20 all the time?  
21 A Yes.  
22 Q You don't like people who are positive all the time?  
23 A No, I like them. But, when Mr. Castillo arrived, he  
24 would state that Puerto Rico didn't have any sales culture. And,  
25 what was tried to explain to him was that, in Columbia, in Latin

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1 America, well, you live to work. But, that here, in Puerto Rico,  
2 in the U.S., you work to live.  
3 Q And, who said this, Mr. Castillo or...  
4 A That was tried to be explained to Mr. Castillo on many  
5 occasions.  
6 Q So, Mr. Castillo had a different type of view of the  
7 importance of work. He viewed that you should be basically  
8 working all the time. Is that what he thought?  
9 A That's correct.  
10 Q Okay, and you didn't agree with that. Is that correct?  
11 A That's correct.  
12 Q Okay.  
13 A I saw how he treated people in Columbia, and, in  
14 Columbia, he was a tyrant. Here, he couldn't do it because he  
15 would always ask about the laws to see what he could or couldn't  
16 do.  
17 Q Okay, so, when you saw him in Columbia and you said he  
18 was a tyrant, he was a tyrant towards everybody. Is that right?  
19 A Well, not with everybody, but with a certain type of  
20 people, with women who worked with him, that he would grab them,  
21 he would squeeze them, he would touch them, and they couldn't say  
22 anything because, in Columbia, there's no type of laws against  
23 that. If they talk, they're fired.  
24 Q Okay, so these were events that you're talking about  
25 where he... you say he acted like a tyrant. That was to people in

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1 Columbia. Is that correct?  
2 A Correct.  
3 Q Okay, so you never saw him grab a woman in Puerto Rico,  
4 did you?  
5 A When he came to Puerto Rico, he asked "Well, can you  
6 say this to the secretary?", and we'd tell him that, no, that you  
7 can't say that type of thing. He would ask "Can I say that she  
8 looks beautiful today, that she looks good?", and we'd say "No,  
9 you can't say that type of thing because you're going to get into  
10 trouble."  
11 So, in the beginning, he would ask. But, if you're  
12 asking me did he squeeze, did he grab any secretary, well, he  
13 would take advantage of when he was saying "Hi.", and, yes, he  
14 would grab her.  
15 Q So, he would hug people when he would say "Hi." to  
16 them?  
17 A Yes.  
18 Q Okay, did you ever hug anybody at work on a birthday or  
19 a holiday... anybody at work?  
20 A Not usually.  
21 Q But, you have done it, have you not?  
22 A Yes.  
23 Q Okay, and, if someone hugs you, does that bother you?  
24 If somebody hugs you at work as a friend, does that bother you?  
25 A No.

42 (Pages 165 to 168)

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Donato Aponte-Navedo

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1 Q Okay, do you remember any other conversations that you  
2 had with Mr. Castillo? We've now talked about Mr. Castillo and  
3 whether he wanted you to dance or not dance, have we not? We've  
4 covered that whole subject. Is that correct?  
5 A Well, about the dancing, about the topics. On several  
6 occasions... I don't know if it's here... but he would always  
7 make comments about people's weight, that we didn't seem like  
8 Nalco representatives, that we had to be like him, in his  
9 physical shape.  
10 Q So, he talked about men and women about their weight.  
11 Is that right?  
12 A No, because none of the women were overweight.  
13 Q Okay, so he only talked about... he talked about men  
14 and their weight. Is that correct?  
15 A Yes.  
16 Q What other men did he talk about their weight?  
17 A Well, about all of them because we're all overweight,  
18 except two.  
19 Q So, he, if you will, teased or was sarcastic to all the  
20 men, except for two, about their weight. Is that right?  
21 A That's correct.  
22 Q And, you said that all the men are overweight, except  
23 for two, if I understood what you said?  
24 A That's correct.  
25 Q So, he didn't limit his comments about weight to you.

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1 He was talking to other men about their weight also. Is that  
2 correct?  
3 A Correct, but I was the only one he would ask if I had  
4 lost weight. Also, he once brought somebody in. He brought Sandra  
5 to give training on cholesterol. They were linking cholesterol to  
6 being overweight.  
7 I got upset, and I asked if there was anybody in the  
8 room who knew what their cholesterol and their triglycerides  
9 were.  
10 Q Okay, who's Sandra?  
11 A She was a person from Columbia who, on many occasions,  
12 he would bring in to give trainings.  
13 Q Okay, and...  
14 A And, on that occasion, I asked... and this person was  
15 practically thin... I asked this person if he knew what his  
16 cholesterol and his triglyceride levels were, and this person  
17 said that his levels were five hundred and three hundred and  
18 something for his cholesterol. And, compared to me who is  
19 overweight, I was very under the limits.  
20 Q So, Mr. Castillo brought Sandra in to talk to all the  
21 employees about cholesterol. Is that right?  
22 A Yes.  
23 Q And, you knew that cholesterol can causes changes in  
24 our cardiovascular system and can kill you, if it's the wrong  
25 type of cholesterol, before Sandra came in, didn't you?

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1 A Of course.  
2 Q And, so Mr. Castillo was bringing someone in to talk to  
3 all the employees about cholesterol because cholesterol could be  
4 a serious health hazard for all the employees. Is that correct?  
5 A That's correct.  
6 Q And, you thought there was something wrong with having  
7 an employee come in and talk about a health hazard to all the  
8 employees, if I understand what you're saying. Is that correct?  
9 A No, that isn't a bad thing. But, there was a secondary  
10 reason for which he would bring Sandra.  
11 Q What was the secondary reason?  
12 A She was one of the ones he would grab.  
13 Q Did you actually see him... you saw him hug her? Is  
14 that correct?  
15 A Yes.  
16 Q Okay, how many times did you see Castillo, Mr.  
17 Castillo, hug Sandra?  
18 A Many times.  
19 Q Okay, and did he touch her in any genital areas?  
20 A Well, that, I didn't see.  
21 Q What did he give her, a hug?  
22 A Yes, and, in Cartagena, he got upset with me because I  
23 danced with her.  
24 Q He got upset with you because you danced with Sandra?  
25 A Yes.

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1 Q Okay, did you want to dance with Sandra?  
2 A Well, we had talked, and I asked her, the next time  
3 that a Merengue would be playing, if we could dance.  
4 Q Okay, so you weren't forced to dance with Sandra, were  
5 you?  
6 A No.  
7 Q Okay, so you voluntarily danced with Sandra one dance.  
8 Is that right?  
9 A Correct.  
10 Q And, what did Mr. Castillo... and this was... where was  
11 this? This was in Columbia?  
12 A Yes, in Cartagena de Indias.  
13 Q And, what did Mr. Castillo say to you after you danced  
14 one dance with Sandra?  
15 A He didn't have to say anything. Just with the look that  
16 he gave me and the attitude that he had it was enough.  
17 Q Did he say anything to you?  
18 A No.  
19 Q Okay, and what was the look? He stared at you?  
20 A Yeah.  
21 Q So, if I understand it, your testimony, he forced you  
22 to dance with people. But, when you danced with people, he stared  
23 at you and frowned. Which is it?  
24 A No, that wasn't my testimony. My testimony was that,  
25 when I was on the Duck, he forced me to dance something that I

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Donato Aponte-Navedo

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1 didn't want to do.  
 2 Q Okay.  
 3 A And, on the other occasion that I went to dance, I  
 4 chose the wrong person, and then that's when he gave me the  
 5 intimidating stare.  
 6 Q Okay, when he gave you this stare... you claim he gave  
 7 you this stare... did you go up to say to him "Why are you  
 8 staring at me?"? Did you ask him?  
 9 A No, because I didn't want to have any type of  
 10 argumentation.  
 11 Q Did Mr. Castillo ever tell you "I don't want you ever  
 12 dancing with Sandra again?"? Did he ever tell you that?  
 13 A No, but the two disappeared.  
 14 Q Okay, what happened the rest of the evening after you  
 15 danced with Sandra? Did you go back to the rest of the evening?  
 16 A I was with the rest of my colleagues, and I was taking  
 17 pictures of the activity, and then I went to sleep.  
 18 Q Okay, and, just so you're clear, the only time that you  
 19 were forced to dance was you danced alone... is that right... for  
 20 ten seconds?  
 21 A Yes, because I usually didn't dance.  
 22 Q Okay, now you were... Mr. Castillo told you a couple of  
 23 times that you don't have energy. Is that right?  
 24 A Yes.  
 25 Q And, what did you say to him when he told you you

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1 didn't have energy, if anything?  
 2 A That that wasn't so.  
 3 Q Okay, so you told him you did have energy?  
 4 A Sure.  
 5 Q How old was Mr. Castillo?  
 6 A He must have been close to fifty.  
 7 Q Okay, and, at that time that Mr. Castillo and you were  
 8 working together, how old were you?  
 9 A Forties.  
 10 Q Okay, did he ever ask you your age?  
 11 A Yes, to tell me "Look, you're younger than me, and I  
 12 have more energy than you."  
 13 Q So, he was being sarcastic about your age?  
 14 A Yes.  
 15 Q He asked you about your age once. Did he ever ask you  
 16 about your age again?  
 17 A He knew all of our ages. Therefore, he didn't have to  
 18 ask anything.  
 19 Q Okay, my question is he asked you once about your age.  
 20 He never asked you about your age again. Is that right?  
 21 A He didn't have to do it because he knew my age.  
 22 Q Did he ever ask you again about your age?  
 23 A I don't remember.  
 24 ATTORNEY LIES: Okay, let's... what time is it anyway? I  
 25 don't want to kill the Court Reporter.

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1 ATTORNEY CUADROS-PESQUERA: Around five.  
 2 ATTORNEY LIES: What time do you normally go for  
 3 depositions around here, how late? What's the custom and  
 4 practice?  
 5 ATTORNEY CUADROS-PESQUERA: The rules say seven hours  
 6 ATTORNEY MC CARTNEY: Yeah, but that's...  
 7 ATTORNEY RIESCO: Excluding breaks and...  
 8 ATTORNEY MC CARTNEY: And, also not necessarily where  
 9 there's a Translator involved.  
 10 ATTORNEY RIESCO: Right.  
 11 ATTORNEY LIES: Yeah, I mean this cuts down the time.  
 12 ATTORNEY CUADROS-PESQUERA: Well, it lasts as long as it  
 13 lasts. I mean, as a point of personal privilege, after seven  
 14 hours, I'm pretty much beat up.  
 15 ATTORNEY LIES: And, that's not what I'm suggesting. I'm  
 16 suggesting that maybe we finish tomorrow morning with Mr.  
 17 Aponte, and then take Belkis right after that. Does that  
 18 work?  
 19 We're going to have to... do you want to... she asked  
 20 for an Interpreter too.  
 21 INTERPRETER: I'm scheduled for tomorrow also.  
 22 ATTORNEY LIES: Okay, then you're going to be here  
 23 anyway. And, you're going to be here tomorrow or not?  
 24 COURT REPORTER: Yes.  
 25 ATTORNEY CUADROS-PESQUERA: We'll all be here.

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1 ATTORNEY RIESCO: Do you want to stay on the record?  
 2 ATTORNEY LIES: We don't have to stay on the record.  
 3 Well, this is scheduling. Are we going to agree that we're  
 4 going to recess then until nine o'clock tomorrow morning,  
 5 and resume with finishing Mr. Aponte and go right into Ms.  
 6 Belkis? Does that work?  
 7 ATTORNEY CUADROS-PESQUERA: It works for me.  
 8 ATTORNEY LIES: All right, okay.  
 9 ATTORNEY CUADROS-PESQUERA: Thank you very much.  
 10 ATTORNEY LIES: Thank you.  
 11 DEPOSITION RECESSED OCTOBER 12, 2010, AT 5:00 P.M.  
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Donato Aponte-Navedo

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## CERTIFICATE OF REPORTER

I, GREGORIA ECHEVARRÍA, Court Reporter and a member of Vega Reportage;

DO HEREBY CERTIFY: That the foregoing transcript is a full, true and correct record of the testimony given which was taken down by me and thereafter reduced to the typewritten form under my direction and supervision.

I FURTHER CERTIFY: That I am not in any way involved or interested in the outcome of said action.

WITNESS my hand this 18th day of October, 2010, in San Juan, Puerto Rico.



*Gregoria Echevarria*

\_\_\_\_\_  
GREGORIA ECHEVARRÍA  
Court Reporter

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## CERTIFICATE OF DEPONENT

I, DONATO APONTE-NAVEDO, of legal age, certify that:

I have read the transcript of my deposition, taken on October 12, 2010, in the case before The United States District Court for the District of Puerto Rico, Donato Aponte-Navedo, et al, Plaintiffs versus Nalco Chemical Company, et al, Defendants, Case Number 09-CV-01232(GAG), from page one (1) through one hundred and seventy-nine (179) inclusive, together with the corresponding exhibits that were attached, if any.

If there are corrections or amendments to the aforementioned transcript, the same are included as an addendum to the transcript. The pages are initialed and numbered by me, commencing with page number one hundred and eighty (180).

IN WITNESS WHEREOF, I sign this document in San Juan, Puerto Rico, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
DONATO APONTE-NAVEDO

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## CERTIFICATE OF NOTARY PUBLIC

I, LUIS NOLLA, ESQ., Attorney at Law and Notary Public, duly commissioned and qualified in and for the Commonwealth of Puerto Rico;

DO HEREBY CERTIFY: That by stipulation of the parties I acted as Notary Public. That the foregoing deposition was taken on the date and time heretofore mentioned; and

That the Court Reporter, the Interpreter, and the Deponent were sworn by me before the commencement of the taking of the Deponent's testimony. Afterwards, my presence was excused by stipulation of the parties.

IN WITNESS WHEREOF, I sign this document and affix my notarial seal in San Juan, Puerto Rico, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
LUIS NOLLA, ESQ.  
Notary Public

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Electronically signed by Gregoria Echevarria (401-409-341-5259)

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# Transcript of the Testimony of **Donato Aponte-Navedo**

**Date:** October 13, 2010

**Volume:** 2

**Case:** Donato Aponte-Navedo, et als. v. Nalco Chemical Company, et als.

Printed On: June 20, 2011

Vega Reportage, Inc.

Phone:(787) 764-6386

Fax:

Email:vegareportage@onelinkpr.net

Internet:

## Donato Aponte-Navedo

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DONATO APONTE-NAVEDO, et al, : CIVIL NO.: 09-CV-01232(GAG)

Plaintiff(s) :

vs : RE: TITLE VII VIOLATION, AGE,

NALCO CHEMICAL COMPANY, : GENDER AND NATIONAL ORIGIN

JOSÉ SERRANO, JANE DOE : DISCRIMINATION, AMERICANS WITH

and the CONJUGAL PARTNERSHIP : DISABILITIES ACT, AND TORTS

SERRANO-DOE, JORGE CASTILLO, : PLAINTIFFS DEMAND TRIAL

JANE DOE and the CONJUGAL : BY JURY

PARTNERSHIP CASTILLO-DOE, :

ASHOK PAUL DUGGAL, :

JANE DOE and the CONJUGAL :

PARTNERSHIP DUGGAL-DOE, and :

ABC INSURANCE, :

Defendant(s) :

## CONTINUATION OF THE TAKING OF THE DEPOSITION OF:

MR. DONATO APONTE-NAVEDO

DATE : October 13, 2010

TIME : 9:00 A.M.

PLACE : Cancio, Nadal, Rivera &amp; Diaz

403 Muñoz Rivera Avenue

San Juan, Puerto Rico 00918

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## A P P E A R A N C E S

FOR DEFENDANTS: MARK A. LIES, ESQ.

Seyfarth Shaw, LLP

131 South Dearborn Street

Suite #2400

Chicago, Illinois 60603

NATASCHA B. RIESCO, ESQ.

JAMES MC CARTNEY, ESQ.

Cancio, Nadal, Rivera &amp; Diaz

403 Muñoz Rivera Avenue

San Juan, Puerto Rico 00918

FOR PLAINTIFFS: MIGUEL A. CUADROS-PESQUERA, ESQ.

701 Ponce De León Avenue

Suite #215

San Juan, Puerto Rico 00907

OTHERS PRESENT: MR. ASHOK PABLO DUGGAL

Nalco Representative

MS. BELKIS ISABEL SANTIAGO-MARTÍNEZ

DEPONENT: MR. DONATO APONTE-NAVEDO

INTERPRETER: MS. CARLOS LAO-DÁVILA

COURT REPORTER: MS. GREGORIA ECHEVARRÍA

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## I N D E X

MR. DONATO APONTE-NAVEDO

DIRECT EXAMINATION (Cont.):

By Attorney Lies: 184

EXHIBIT DESCRIPTION PAGE NO.

Exhibit 020

Copy of multi-page document,  
Civil Case # 09-CV-01232(GAG),  
RE: Complaint,  
03/06/2009. 232

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## P R O C E E D I N G S

(9:20 A.M.)

ATTORNEY LIES: This is the resumption of the deposition of Mr. Donato Aponte. It's taken pursuant to Notice. It commenced yesterday, and it's taken pursuant to the Federal Rules of Procedure, the Federal Rules of Evidence and applicable orders from the United States District Court, in this particular district. Mr. Aponte, you understand you're still under oath, do you not?

DEPONENT: Yes.

ATTORNEY LIES: Jim, I don't have to bring the Notary back today, do I?

ATTORNEY MC CARTNEY: No, everybody continues under the same oath as yesterday.

ATTORNEY LIES: Okay, all right, I just want to make sure that I'm following the custom.

(Whereupon,

MS. GREGORIA ECHEVARRÍA

having been previously duly sworn, acted as the official Court Reporter of the proceedings held during the act of taking of deposition.)

(Whereupon,

MR. CARLOS LAO-DÁVILA

having been previously duly sworn, acted as the official Interpreter of the proceedings held during the act of taking of

1 (Pages 180 to 183)

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## Donato Aponte-Navedo

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1 deposition.)  
 2 (Whereupon,  
 3 MR. DONATO APONTE-NAVEDO  
 4 having been previously duly sworn, was examined and, through the  
 5 Interpreter, testified upon his oath as follows:)  
 6 DIRECT EXAMINATION (Cont.)  
 7 BY ATTORNEY LIES:  
 8 Q Between the time that we finished yesterday, Mr.  
 9 Aponte, and today, did you review any documents relating to this  
 10 matter?  
 11 A No.  
 12 Q And, between the time that we finished last night and  
 13 today, have you talked to anyone about this case, other than your  
 14 Attorney?  
 15 A With anybody who wasn't in this room, no.  
 16 Q Okay, did you talk to Belkis about the case?  
 17 A Yes.  
 18 Q And, what did you and Belkis talk about? I don't want  
 19 any conversations if Counsel was there. But, if the two of you  
 20 had conversations when he was not there, then I'd like to know  
 21 what those conversations were about in this case.  
 22 A You want to know what we talked about?  
 23 Q About the case, not anything else, just about the case.  
 24 A Nothing. We talked about the style of asking questions,  
 25 and we spoke a little bit about you, that sometimes you were a

1 sales of products and services. Is that correct?  
 2 A Yes, that's correct.  
 3 Q Do you consider yourself to be as competent a  
 4 salesperson as you are a Technical Engineer?  
 5 A I was always considered the most technical of the  
 6 group.  
 7 Q Do you consider yourself to be a better technical  
 8 person than a salesperson?  
 9 A Yes.  
 10 Q Okay, now, in your current job, you told us that you  
 11 started your job Cervecería de Puerto Rico when, sir?  
 12 A October 31, 2008.  
 13 Q Okay, do you know whether or not Mr. Ashok Duggal and  
 14 Mr. Jorge Ortiz recommended to the people at your current  
 15 employer that they consider employing you because of your  
 16 technical skills?  
 17 A Yes, that's correct.  
 18 Q Okay, how did you learn that they had recommended you  
 19 to work at your current employer because of your technical  
 20 skills? How did you come to that knowledge?  
 21 A Jorge Ortiz called me and told me.  
 22 Q Did you ask Mr. Ortiz to help you try to find another  
 23 job after you left Nalco?  
 24 A No, he offered that, if I needed any help, I could  
 25 count on him.

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1 little bit aggressive, but manageable.  
 2 Q Manageable?  
 3 ATTORNEY CUADROS-PESQUERA: He's leading, right!  
 4 ATTORNEY LIES: Nobody's ever said that to me. You  
 5 haven't seen anything yet! No, that's not a question.  
 6 (General laughter.)  
 7 BY ATTORNEY LIES:  
 8 Q Okay, Mr. Aponte, I just want to clear up a few things.  
 9 Yesterday we talked about the jobs that you held before you went  
 10 to work for Nalco.  
 11 Do you recall those discussions that we had yesterday  
 12 about those other jobs?  
 13 A Yes.  
 14 Q None of the jobs that you held, before you went to  
 15 Nalco, involved you receiving a commission for sales, did they?  
 16 A No.  
 17 Q And, since your employment with Nalco and you're now  
 18 employed by Cervecería India...  
 19 A Cervecería de Puerto Rico.  
 20 Q Oh, okay. The current job that you're in right now with  
 21 that company does not involve payment of commissions, does it?  
 22 A No.  
 23 Q Okay, so the only job that you've ever had, that you  
 24 testified about here with is, is the job that you had with Nalco  
 25 where you had an opportunity to receive sales commissions for

1 Q Did Mr. Duggal also make that same offer to you, that,  
 2 if you needed any help, he could help you or would help you?  
 3 A Yes, we had communication through e-mail, and he also  
 4 stated that.  
 5 Q Do you still consider Mr. Duggal to be a professional  
 6 friend?  
 7 A Yes.  
 8 Q Do you still consider Mr. Jorge Ortiz to be a  
 9 professional friend?  
 10 A Yes, right now, he's my supplier.  
 11 Q Okay, how often do you see Mr. Ortiz?  
 12 A In the beginning, it was more. I was seeing him once a  
 13 month. Now, it's like once every two months.  
 14 Q And, is Nalco providing services and products to your  
 15 satisfaction with your company?  
 16 A Yes. I mean there have been some deviations, but we've  
 17 talked about it, and they've been tried to be corrected.  
 18 Q Have other chemical companies approached you to try to  
 19 sell their services and products to you, the same type of  
 20 services and products that Nalco sells?  
 21 A Yes.  
 22 Q Okay, and have those other companies invited you out to  
 23 be entertained so that they could get to know you and possibly  
 24 develop a relationship where you would buy products and services  
 25 from them for your company?

2 (Pages 184 to 187)

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Donato Aponte-Navedo

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1 A Yes.

2 Q And, have some of those competitors who are reaching  
3 out to you asked you to go out to dinner with them?

4 A Yes.

5 Q All right, and, yesterday, we talked about the fact  
6 that...

7 A But, I haven't gone.

8 Q Okay, I'll start over. Yesterday, I believe you  
9 testified that Mr. Suárez was the individual you believed  
10 replaced you at Nalco. Is that what you told us yesterday?

11 A That wasn't discussed yesterday.

12 Q All right, who do you claim was the person that  
13 replaced you at Nalco after you left, what individual?

14 A When I was terminated, they had hired Mr. Jaime Suárez  
15 practically a month before.

16 Q Are you claiming that Mr. Suárez was the individual who  
17 replaced you, in your job, when you were terminated by Nalco?

18 A Yes.

19 Q Okay, at the time of your termination, what was your  
20 job title? Were you a District Representative III?

21 A Yes, that's correct.

22 Q Okay, and, when Mr. Suárez was hired, as you told us, a  
23 month before you were terminated, he was hired as an Applications  
24 Engineer, wasn't he?

25 A That, I don't know how he was hired. The name of the

1 A What usually happened in Nalco is you would receive...

2 in my time, you would receive the training through some modules,  
3 and you would take the training system on-line.

4 And, after you would have that on-line regarding the  
5 techniques, the packs (phonetic), the chemical treatments, then  
6 you would go to the United States to get trained.

7 Q Okay, at that time that you were terminated, as you sit  
8 here today, you can't tell me what Mr. Suárez' job title was, can  
9 you?

10 A No.

11 Q Okay, and, because you did not review his personnel  
12 folder, you don't know what his educational background is, do  
13 you?

14 A No, I hadn't seen his personnel file, but I had seen  
15 his resumé.

16 Q And, what did his resumé say about his educational  
17 background?

18 A Mechanical Engineering, and he studied in the  
19 University of Atlantica, in Barranquilla, Columbia, and then he  
20 did a Master's in Mechanical Engineering in the University of  
21 Puerto Rico, Mayaguez Campus.

22 Q Do you have a Master's Degree in Chemical Engineering?

23 A No.

24 Q Okay, I believe yesterday you told us that you don't  
25 have any degrees beyond your degree... your undergraduate degree.

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1 position I don't know.

2 Q And, the reason you don't know the name of the position  
3 is you've never seen Mr. Suárez' personnel folder, have you?

4 A No.

5 ATTORNEY LIES: Okay, just so I understand, when he says  
6 "no", he means he did not see the personnel folder.

7 BY ATTORNEY LIES:

8 Q When you say "no", sir, do you mean that you have not  
9 seen the personnel folder? I want to make sure I understand what  
10 you mean by "no".

11 A No, no, I mean none of the people have access to that.

12 Q So, as you sit here today, you don't know what position  
13 Mr. Suárez was hired into when he was hired by Nalco a month  
14 before you were terminated? You don't know what that job  
15 description is, do you?

16 A No, but that day I was terminated I saw him at the  
17 office and I talked to him, and he told me that he had been in  
18 the United States for two weeks receiving training for the new  
19 representatives.

20 Q At that time that you talked to Mr. Suárez in the  
21 office when you were terminated, you did not know what his job  
22 classification or title was, did you?

23 A No, but he had gone to receive the training for the  
24 people who are going to have a position in sales.

25 Q Do you know...

1 Is that correct?

2 A That's correct.

3 Q And, at that time of the termination, you don't know  
4 what Mr. Suárez was being paid, do you?

5 A No.

6 Q Okay, do you know whether or not Mr. Suárez, at that  
7 time that you were terminated, was being paid less than you were?

8 A No, but the SOP in Nalco is that they have a table when  
9 people come in, and that people have to be paid much less than  
10 somebody who has been in the company almost thirteen years.

11 Q So, do you believe, at that time that you were  
12 terminated, that Mr. Suárez was earning less than you were  
13 earning?

14 A Yes, that's correct. And, also he didn't have a pension  
15 plan. The pension plan had been ended from some time back, and  
16 what he had was a 401-K and I had a pension.

17 Q So, Mr. ... you received a pension from the company,  
18 and Mr. Suárez had to contribute money to a 401-K. Is that your  
19 understanding?

20 A Correct.

21 Q And, at that time that you were terminated, you don't  
22 know whether or not Mr. Suárez was being paid any type of a  
23 commission or just a straight salary, do you?

24 A Correct.

25 Q Okay, now you said you looked at Mr. Suárez' resumé.

3 (Pages 188 to 191)

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1 What other experiences did he have on his résumé before he came  
2 to Nalco? Do you remember?

3 A If I'm not mistaken, he had been working with a company  
4 providing service and performing audits for a pharmaceutical  
5 company.

6 Q Do you remember the name of the pharmaceutical company?

7 A No, he didn't work at the pharmaceutical company. He  
8 worked for a company that provided services to a pharmaceutical  
9 company.

10 Q What was the name of that company that provided the  
11 services, if you remember?

12 A I don't remember the name of the company, but it was  
13 with Engineer Jorge Hernández.

14 Q Have you ever spoken to Mr. Suárez since the time you  
15 were terminated?

16 A Yes.

17 Q When was the last time you spoke to Mr. Suárez?

18 A Last Saturday.

19 Q Okay, and what was the occasion that you spoke to Mr.  
20 Suárez last Saturday?

21 A He was giving a training at the brewery.

22 Q So, Mr. Suárez is providing services to the brewery. Is  
23 that correct?

24 A Yes, he's right now my supplier.

25 Q And, is he providing professional services and products

1 Many times when there were meetings, I had to go and  
2 eat. I had to go out and eat something. Many times when they  
3 would say "We're not going to go out to lunch." and food would be  
4 brought in, they would bring the things that precisely I couldn't  
5 eat, and I had to eat them because it was going to be worse if I  
6 didn't eat anything.

7 And, that, many times, would affect, would cause  
8 effect.

9 Q Okay, anything else?

10 A No...

11 Q Are you claiming any other...

12 A ... not right now.

13 Q I don't want to repeat myself, but are you claiming any  
14 other disability besides diabetes?

15 A No.

16 Q Okay, now, in your Answers to Interrogatories, you  
17 reference pictures which your Counsel is going to make a good  
18 faith effort to find if they, in fact, exist.

19 What type of pictures were you referring to? Did you  
20 take pictures, did you get pictures from company events? What  
21 pictures are we talking about here?

22 A I like to take pictures. And, when we would go to  
23 activities, I would usually have my camera with me.

24 Usually, at the moment of the official activity, I  
25 would be taking photos. I'd be taking pictures. And, at the end

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1 of Nalco that meet the needs of your company?

2 A Yes, that's correct. Like I said before, there have  
3 been some deviations, but we've talked about it and we've tried  
4 to correct them.

5 Q Okay, so you and Mr. Suárez have worked together, and  
6 he has tried to meet whatever concerns you have about the  
7 products and services?

8 A Yes.

9 Q Now, yesterday you told us that you were claiming a  
10 disability because of your diabetes. Do you recall that?

11 A Yes.

12 Q And, do you recall we went into when you first had your  
13 diabetes diagnosed, how you test your blood sugar, and the  
14 doctors that you went to see? You recall we went through all that  
15 yesterday, correct?

16 A Yes.

17 Q Is there any other information that you wish to tell us  
18 about... concerning your diabetes and why you claim it's a  
19 disability, besides what you told us yesterday?

20 A Well, I try to control my diabetes as best as possible.  
21 I have to follow a diet, eat at certain times, eat my snacks, and  
22 try to have sufficient rest to keep it under control.

23 Stress and maybe other medications that you have to  
24 take, if you have some other condition, can also affect diabetes.  
25 What else?

1 of the activity when the get-together would begin, well, then I  
2 wouldn't take pictures because that would probably cause problems  
3 with any family or any person.

4 But, in Cartagena, I continued taking photos all the  
5 time when I was in the activities.

6 Q I realize your Attorney may object because the pictures  
7 speak for themselves.

8 But, tell us what is on these pictures, if you recall  
9 what's on these pictures?

10 A There were people drinking, and also Mr. Jorge Castillo  
11 filling the glasses and cups of people.

12 Q And, these people were drinking at some of the  
13 company's social events? Is that why the pictures were taken?

14 A Yes.

15 Q So, there's pictures of people drinking and pictures of  
16 Mr. Castillo pouring drinks. Is that correct?

17 A That's my best recollection because I handed in those  
18 pictures about a year ago, and I haven't seen them anymore.

19 Q About how many pictures did you hand to your attorneys?

20 A Five, six. I don't remember very well.

21 Q And, these pictures were all taken in what country?

22 A Columbia.

23 Q And, approximately, what time frame, 2005, 2006, 2007?  
24 Do you remember?

25 A 2008.

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1 Q Did you ever show these pictures to any of the people  
2 from the company just to tell them that you were taking pictures  
3 when you went to the event, in Columbia?

4 A Yes, because I would even be told "Take pictures.", and  
5 I would get all the pictures and I would put them in a disc, in a  
6 DVD, and I would take them to the office.

7 And, they would use those pictures for the newsletter,  
8 the small newspaper that they have, so they could show what the  
9 activities that they had were.

10 ATTORNEY LIES: Okay, before we go any further, I think  
11 that Belkis is freezing. Should we turn the air conditioning  
12 off? She's wrapped up in a sweater.

13 Maybe we should... we can turn it down. You don't have  
14 to sit there all wrapped up.

15 MS. SANTIAGO: That's fine. If you can turn this one off  
16 and that one on, that's fine. Thank you.

17 BY ATTORNEY LIES:

18 Q So, the pictures we're talking about, some of the  
19 pictures may have even been in the company newsletter... they may  
20 be. Is that right?

21 A Yes.

22 Q Okay, now yesterday you told us that you had seen a  
23 psychologist sometime in 2010, at least that's what my notes  
24 show.

25 What is the name of that psychologist? Because we'd

1 Which employees... which employee do you claim may have  
2 received more favorable treatment from you... strike that.

3 Which employee do you claim received more favorable  
4 treatment from the company than you did?

5 A Can you repeat the question?

6 Q Are you claiming that any employee at the company  
7 received more favorable treatment from the company than you did  
8 and, if so, what's the name of that employee?

9 A Yes.

10 Q Okay, what's the name of the employee?

11 A Edward Bray.

12 Q And, who's Edward Bray?

13 A He's a representative... was.

14 ATTORNEY LIES: I'm sorry, he's a what?

15 INTERPRETER: Representative.

16 BY ATTORNEY LIES:

17 Q A District Representative, is that what you mean?

18 A Yes, that's correct.

19 Q And, when was Mr. Bray... and that's spelled B-R-A-Y...  
20 when was he hired?

21 A I don't know.

22 Q Was he hired before you?

23 A No.

24 Q And, you have not seen his personnel file, so you don't  
25 know his educational background, do you?

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1 like to try and get the records from that psychologist.

2 A I saw that psychologist as part of the Employee  
3 Assistance Program from the brewery. I went to that psychologist  
4 a few times. I don't remember the name, but I can get the  
5 information, and I can provide it to my Attorney so that he can  
6 send it.

7 Q And, you're not under any type of continuing treatment  
8 with this psychologist? You just went to see him several times?

9 A Well, I saw her... because it's a female  
10 psychologist... and I saw her the number of times I was allowed  
11 to do so for free under the Employee Assistance Program.

12 Q And, do you remember the name of the medical group or  
13 where she may be?

14 A Right now, I don't remember. But, tomorrow I can call  
15 the office and go to that location and get the information.

16 Q Okay, do you have anymore appointments currently  
17 scheduled with this female psychologist through the EAP Program?

18 A No.

19 Q And, I believe I asked you this yesterday, but I want  
20 to make sure. You're not taking any medication now for any mental  
21 or emotional condition, are you, sir?

22 A No, I couldn't do it because I couldn't work.

23 Q Okay, now you testified yesterday about a number of  
24 different employees. I'd like to make sure we have clear record  
25 here.

1 A No, but everybody knew he was a Mechanical Engineer.

2 Q And, he had a degree? Was he a degreed (sic) Mechanical  
3 Engineer, if you know?

4 A What do you mean a "degree"?

5 Q Did he have a college degree as a Mechanical Engineer,  
6 if you know?

7 A Yes.

8 Q Okay, and do you know whether or not he had any post-  
9 graduate degrees?

10 A No.

11 Q You don't know?

12 A No, he didn't have.

13 Q What type of work experience did Mr. Bray have before  
14 he started working for Nalco?

15 A Well, that, I don't know.

16 Q Okay, how old... what was Mr. Bray's age?

17 A He was in his thirties.

18 Q And, in what way do you claim Mr. Bray received more  
19 favorable treatment from the company than you did? What's the  
20 basis for that?

21 A Well, Edward had problems with clients. He lost  
22 accounts, several accounts. And, on several occasions, it was  
23 mentioned in the group that he was hanging by a thread to be  
24 taken out of the company.

25 And, even with all of that, he was still given the

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1 opportunity to resign, to make his own company, and Nalco hired  
2 that company to provide services.

3 Q So, if I understand what you're telling me, Mr. Bray  
4 had problems with clients. Did he serve the same clients that you  
5 did?

6 A Just in Amgen.

7 Q So, you don't know what his problems were with clients,  
8 other than what you may know about Amgen, is that correct,  
9 because you didn't serve those other clients?

10 A Well, no, but Pablo Duggal (sic) and Jorge would  
11 discuss it with me that he was having problems with clients. He  
12 would argue with clients, that he had problems with his character  
13 in terms of arguing with clients. He had a strong character, and  
14 that he lost accounts.

15 Q All right, do you know whether or not Mr. Bray was put  
16 on a Performance Improvement Plan, just like you were?

17 A No, because those things were done behind closed doors.

18 Q Okay, do you know whether or not Mr. Bray was put on  
19 probation, like you were?

20 A No.

21 Q Okay, and you were not present when Mr. Bray was talked  
22 to about being terminated and offered the opportunity to resign.  
23 Is that correct?

24 A No, but he discussed it with me during the time that he  
25 was in negotiations and I was still working in Nalco. He

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1 discussed it with me on several occasions that they still hadn't  
2 reached an agreement with the percentages, with the financial  
3 side.

4 Q And, when did Mr. Bray leave Nalco?

5 A After I did.

6 Q What year?

7 A I'm not sure. It could be the end of 2008.

8 Q So, you're claiming that one employee, Mr. Bray, was  
9 treated more favorably than you by the company because, when he  
10 was being told he was going to be terminated, he was given an  
11 opportunity to resign, and the company looked at some opportunity  
12 for him to continue performing some type of services as a  
13 consultant. Is that right?

14 A Not as a consultant, but rather to perform  
15 installations and to take clients that are very small.

16 Q And, do you... does Mr. ... excuse me... do you know  
17 how much Mr. Bray may be earning in that job?

18 A No.

19 Q Do you know whether or not Mr. Bray was earning less  
20 money than you're earning working for the company that you work  
21 for now?

22 A No, because I haven't talked to him.

23 Q When was the last time you spoke to Mr. Bray?

24 A Maybe at the end of 2008.

25 Q Have you now told us everything about the only employee

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1 that you claim received more favorable treatment from the company  
2 than you did, sir?

3 A Of Edward, yes.

4 Q And, that is the employee that you claimed received  
5 more favorable treatment from the company than you did, correct?  
6 I just want to close this subject out.

7 A No, there's another one.

8 Q Okay, what other employee do you claim received more  
9 favorable treatment from the company than you did?

10 A Francisco Casanova.

11 Q When was Francisco Casanova hired?

12 A He was hired at the end of 2000 or 2001... the  
13 beginning of 2001.

14 Q And, what is Mr. Casanova's educational background?

15 A If I'm not mistaken, he's a Chemist, and I think he  
16 also has studies in Biology.

17 Q Have you ever seen his résumé?

18 A No.

19 Q What type of college degree does he have?

20 A If I'm not mistaken, it's a Bachelor's Degree in  
21 Chemistry and Biology.

22 Q And, does he have any educational degrees past  
23 undergraduate?

24 A No, I don't know.

25 Q Okay, Mr. Casanova is Puerto Rican, is he not?

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1 A Yes.

2 Q Okay, all right, so are you claiming that he was  
3 treated more favorably than you were because he was Puerto Rican?

4 A No.

5 Q What position was Mr. Casanova initially hired into?

6 A Like everyone, as an Applications Engineer.

7 Q Applications Engineer I, II or III?

8 A I don't know. It should be III, which is the starting  
9 one.

10 Q And, is Mr. Casanova still working for the company?

11 A Yes, that's correct.

12 Q And, what is his current position?

13 A If I'm not mistaken, it's District Representative.

14 Q District Representative I, II or III?

15 A It should already be I.

16 Q And, do you know anything about Mr. Casanova's medical  
17 history? Do you know whether he has a disability or not?

18 A He has high blood pressure.

19 Q How do you know that?

20 A Because he takes medication. And, many times he would  
21 take it at the office, and he would tell me it was because he had  
22 high blood pressure. His face would many times get red.

23 Q Do you know anything else about Mr. Casanova's medical  
24 history or any medical conditions?

25 A No.

6 (Pages 200 to 203)

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1 Q And, how old is Mr. ... how old was Mr. Casanova in  
2 2008?  
3 A Thirty... in his thirties.  
4 Q You have not seen Mr. Casanova's people folder, have  
5 you?  
6 A As I said before, that's not accessible to any  
7 employee.  
8 Q So, you have not seen any of Mr. Casanova's Performance  
9 Reviews during the time he's worked for Nalco, have you?  
10 A No.  
11 Q Did you and Mr. Casanova service the same clients?  
12 A Some, yes. I was the one who would cover his back.  
13 Q When you say "cover his back", did you provide  
14 technical services to some of his clients?  
15 A Yes.  
16 Q Did he provide any technical services to any of your  
17 clients?  
18 A No.  
19 Q When did you provide technical services to his clients?  
20 A In the beginning of the 2000's, and, if I'm not  
21 mistaken, in 2006, 2007, 2008 also.  
22 Q Mr. Casanova is still employed by the company. Is that  
23 correct?  
24 A That's correct.  
25 Q And, how old is he now?

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1 A He should be forty.  
2 Q And, you're claiming that he was treated more favorably  
3 than you were because he was in his thirties?  
4 A No.  
5 Q In what way are you claiming he was treated more  
6 favorably by the company than you were?  
7 A Because he lost accounts, large accounts, and he's  
8 continued to lose accounts, and they've just taken him out of  
9 those accounts.  
10 I asked Jorge Ortiz "How is Casanova?" because I  
11 know... we all know that, technically, he's not good. And, his  
12 answer is "You know."  
13 Q Why... in what way is Mr. Casanova, in your view, no  
14 good technically?  
15 A Well, when the installations were being made... well,  
16 he could sell a 3D Trasar. In fact, he was the first one who sold  
17 one in Latin America.  
18 But, he couldn't put that equipment to work as it was  
19 supposed to be put to work, and he had it working just as an  
20 expensive tracer.  
21 Q And, when did this happen?  
22 A He had about seventeen 3D Trasars on the island, and  
23 none of them was working as 3D. I had three, and two of them were  
24 working as 3D. And, other representatives had those equipments  
25 working well.

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1 Q So, it's your opinion, sir, that you were more  
2 technically qualified than Mr. Casanova. Is that correct?  
3 A That's correct.  
4 Q Okay, and that's your opinion?  
5 A That's a... well, that's a fact.  
6 Q And, you have never seen any of his Performance Reviews  
7 or any communications that he had with any of his clients, have  
8 you, sir?  
9 A No.  
10 Q Mr. Casanova, however, was skilled at being able to  
11 sell services and products, wasn't he, sir?  
12 A Yes, he would sell, but he didn't know what he was  
13 selling. I would then have to go to his clients to solve the  
14 problems and solve whatever mess he had made with the client. I  
15 would solve those problems for him so that he would then be in  
16 the client's good graces.  
17 Q So, Mr. Casanova was very good at selling services and  
18 products for Nalco. And, you believe that you're very good at  
19 going in and providing the technical services for those products  
20 and services. Isn't that correct?  
21 A Well, Mr. Casanova would sell products and services  
22 because, before selling, he would ask me, on occasion, to go and  
23 do the studies and the calculations so that then he was really  
24 selling the technical side, and he didn't know what he was  
25 selling.

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1 Q So, if I understand what you've just told me, Mr.  
2 Casanova was very good at selling services and products, but you  
3 were very good at the technical services of going to make sure  
4 that those products and services worked after they were sold to  
5 the client. Is that right?  
6 A Yes, because how Nalco works is that it's based on a  
7 strong, technical side. And, it's that strong, technical side  
8 which makes the sale.  
9 Q So, now you've told us that you claim that Mr. Bray  
10 received more favorable treatment from the company than you did,  
11 and you've explained that to us.  
12 And, now you've told us why you believe that Mr.  
13 Casanova received more favorable treatment from the company than  
14 you did.  
15 Have you now told us about the employees that you claim  
16 received more favorable treatment from the company than you did?  
17 A Yes.  
18 Q Okay, now yesterday we looked at your Answers to the  
19 Interrogatories, which is Exhibit 019, I believe. Well, I'll give  
20 you the original, and your Attorney can look at his copy.  
21 And, on page nine... if you'll turn to that... you say,  
22 at the bottom of the page, that Mr. Castillo would stroke your  
23 stomach. Do you recall that?  
24 A Yes.  
25 Q Okay, I want to know how many times Mr. Castillo rubbed

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1 or stroked your tummy or your belly?  
 2 A Every time he would ask me about my weight. Every time  
 3 he would come to Puerto Rico.  
 4 Q So, it's your testimony that, every time he came to  
 5 Puerto Rico, he would stroke your belly? Is that correct?  
 6 A Yes, every time he would ask me about my weight.  
 7 Q Okay, now you told us yesterday that he talked to all  
 8 the employees about their weight.  
 9 And, in fact, you told us yesterday that everyone was  
 10 overweight, didn't you?  
 11 A Not everybody. There were two persons who were not  
 12 overweight, Dennis López and Edward Bray.  
 13 Q Were not overweight?  
 14 A Who were not overweight.  
 15 Q Okay, what does overweight mean to you? Did you ever  
 16 put them on a scale to figure out what their weight was?  
 17 I'm trying to figure out how you, sir, believe they're  
 18 overweight, overweight or underweight.  
 19 A Look at Pablo. Look at me. Jorge was the same. Casanova  
 20 was the same. Pedro Lara was the same.  
 21 Q What does "the same" mean?  
 22 A The same shape of the body, with a full belly.  
 23 Q So, that means that many of the people that were  
 24 working there had full, round bellies like yours. Is that right?  
 25 A Yes, but Castillo, well, the one that he would always

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1 ask and whose belly he would always rub was me.  
 2 Q Okay, now you said he came to Puerto Rico four times a  
 3 year. You said it was every two to three months. So, he came four  
 4 times a year, and he was usually here for a week. Is that right?  
 5 Is that what you told us yesterday, sir?  
 6 A Yes, but there were times that the visits were closer  
 7 together. There were times that the visits were every three  
 8 months or every four months.  
 9 Q So, if Mr. Castillo came to the country, to Puerto  
 10 Rico, four times or five times a year, is it your testimony that  
 11 one time, on each trip... so that would be four times or five  
 12 times a year... he touched your belly and talked about your  
 13 weight? Is that right?  
 14 A Approximately.  
 15 Q So, he touched your tummy or belly four to five times a  
 16 year. Is that right?  
 17 A Correct.  
 18 Q And, how many seconds did he touch your belly? Did he  
 19 touch your belly and hold his hand on there or did he brush your  
 20 belly? Was it a second, was it two seconds? How long did he touch  
 21 your belly?  
 22 And, let me demonstrate here. Did he put his hand on  
 23 your belly and hold it like this for one or two seconds? Did he  
 24 brush it across your belly? What did he do when he touched your  
 25 belly?

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1 A It was like rubbing a Buddha.  
 2 Q So, how many seconds was that, one to two seconds?  
 3 A Four or five.  
 4 Q Four or five seconds, okay.  
 5 ATTORNEY CUADROS-PESQUERA: Maybe you want to go and rub  
 6 Mr. Duggal's belly.  
 7 ATTORNEY LIES: Okay, let me... just so the record will  
 8 show, I did, in fact, put my left hand on Mr. Duggal's  
 9 stomach.  
 10 One time I held it there for one or two seconds.  
 11 Another time I brushed it lightly across his stomach for one  
 12 to two seconds, as demonstrative as part of the question to  
 13 the Witness so that the record is clear.  
 14 BY ATTORNEY LIES:  
 15 Q Now, when Mr. Castillo would talk to employees  
 16 generally about their weight, you told us yesterday that he  
 17 considered himself to be very physically fit. Is that right?  
 18 A Correct.  
 19 Q Did Mr. Castillo run or exercise or lift weights? What  
 20 did he do?  
 21 A On several occasions when I would go pick him up at the  
 22 hotel, he had just finished running.  
 23 Q So, Mr. Castillo... did you consider Mr. Castillo to be  
 24 overweight?  
 25 A No.

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1 Q And, it's your understanding, sir, that he talked to  
 2 all the employees that he considered to be overweight about their  
 3 weight. Is that correct?  
 4 A Well, he said, on several occasions and in several  
 5 meetings, that we didn't have the standard for a District  
 6 Representative. That it should be somebody who had a good  
 7 demeanor, a good body.  
 8 Q What kind of body did he say people should have?  
 9 A Like his.  
 10 Q Okay, so he was not overweight. That's the kind of body  
 11 that he thought people should have. Is that right, to your  
 12 understanding?  
 13 A Yes, that's correct.  
 14 Q And, he was concerned about employees being overweight,  
 15 wasn't he, sir? And, that's one of the reasons that he brought  
 16 Sandra in to talk to everybody about high levels of cholesterol  
 17 that you told us about yesterday. Isn't that true.  
 18 A Yes.  
 19 Q And, did you try to lose weight while you were working  
 20 for Nalco?  
 21 A Yes.  
 22 Q When Mr. Castillo touched your stomach, as you talked  
 23 about, did you ever report that to Naperville or to anyone else  
 24 that you considered that to be anything that was improper?  
 25 A No, I didn't report it to Naperville. But, whenever he

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1 left, it was talked about in the group that those types of  
2 comments were wrong.

3 Q Oh, okay. So, all the people in the group did not like  
4 the comments about weigh?

5 A Well, I don't know if everybody in the group didn't  
6 like the comments about weight. But, at least it was talked  
7 about, and I know that two or three of the people in the group  
8 didn't like those comments.

9 And, on several occasions, it was mentioned in the  
10 group that, if that was Nalco's idea of a Service  
11 Representative... of a District Representative, then Nalco,  
12 Puerto Rico was not going to have an office because none of us  
13 would fit that idea.

14 Q So, did you consider Mr. Castillo's comment about your  
15 weight to be something that you thought was rude?

16 A Yes, he didn't care.

17 Q Did you ever tell Mr. Castillo not to rub your tummy  
18 when he came to visit?

19 A No, but I would avoid it.

20 Q So, you don't know, if you had told Mr. Castillo to  
21 stop rubbing your belly, whether he would have stopped because  
22 you never told him. Isn't that correct?

23 A No, I didn't tell him, and I don't know if he would  
24 have stopped doing it. But, most likely, he would have done it  
25 more.

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1 Q Well, you don't know whether he would have stopped or  
2 not because you never asked him. Isn't that true?

3 A Correct, but you have to know and get to know  
4 Columbians and get to know Columbia men. They like to mock  
5 people, and they are... what's... I'm trying to look for the  
6 word... well, they like to mock people, and they enjoy making  
7 people feel less.

8 Q So, you don't like Columbia men. Is that correct?

9 A Not all of them.

10 Q All right, and Mr. Castillo wanted his District  
11 Representatives to have a certain image concerning when they  
12 would go out to visit clients, and that's the reason you think he  
13 was talking about everyone's weight. Is that correct?

14 A Yes.

15 Q Okay, turning to page eleven in your Answers to  
16 Interrogatories, you say that, on certain instances when you  
17 didn't please Mr. Castillo, he would say "No seas hueva." or  
18 "Eres una hueva." That's the best I can do. And, you claim he  
19 said that. Is that right?

20 A Yes, that's correct.

21 Q Okay, now how many times did... well, first of all,  
22 isn't it true that the phrase... these phrases that we just read  
23 into the record here translate to something like "Don't be  
24 silly." or "Don't be stupid."?

25 A It could be.

1 ATTORNEY CUADROS-PESQUERA: Counsel, why don't we just  
2 translate it literally?

3 ATTORNEY LIES: I'll ask the Court Reporter to translate  
4 it literally, if he can.

5 COURT REPORTER: The Interpreter.

6 ATTORNEY LIES: I'm sorry, the Interpreter, the  
7 Translator, literally, if he can.

8 INTERPRETER: But, the...

9 ATTORNEY LIES: I don't speak the language, and I'm told  
10 that's what it means. If it means something else, then  
11 somebody else can interpret it for me.

12 INTERPRETER: The Interpreter, at this moment, can't do  
13 it because the Interpreter believes that that is a cultural  
14 phrase. It's something cultural, and the Interpreter would  
15 have to look at it and take time and research it.

16 So, if there is a translation that's been provided...

17 ATTORNEY CUADROS-PESQUERA: There is a literal  
18 translation, and the literal translation is "Don't be a  
19 female egg."

20 INTERPRETER: If Counsels like that, the Interpreter  
21 wouldn't stand by that translation. But, if Counsels believe  
22 that's what it should be, then that's up to Counsels.

23 ATTORNEY LIES: Okay, I'd like the record to show where  
24 the word female is in that phrase. I don't speak Spanish,  
25 but I don't see the word "female".

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1 ATTORNEY CUADROS-PESQUERA: In Spanish, the final 'A' or  
2 'O' of both words, in this case, is the gender. Huevo is a  
3 male egg and hueva is a female egg.

4 ATTORNEY LIES: Okay.

5 ATTORNEY CUADROS-PESQUERA: I think anybody who speaks  
6 Spanish will verify that.

7 ATTORNEY LIES: Okay.

8 ATTORNEY RIESCO: I've personally never heard of the  
9 word hueva to refer to an egg.

10 ATTORNEY CUADROS-PESQUERA: Do you know the rules of  
11 grammar?

12 ATTORNEY RIESCO: Yes, but I've never heard the word  
13 used to mean egg.

14 ATTORNEY MC CARTNEY: I think the whole point is sort of  
15 moot because it's very clear that this term is not being  
16 used in its literal sense.

17 So... you know... whatever the literal interpretation  
18 of hueva is I think is moot because it's clearly not being  
19 used in its literal sense in the context of this Answers to  
20 Interrogatories.

21 ATTORNEY CUADROS-PESQUERA: We don't know in what sense  
22 that it's meant because we don't have any testimony to that  
23 effect.

24 ATTORNEY MC CARTNEY: Well, we have the answer. I mean  
25 maybe Mark...

9 (Pages 212 to 215)

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1 ATTORNEY CUADROS-PESQUERA: Well, go ahead, proceed.

2 ATTORNEY LIES: No, I want to get this solved because...

3 ATTORNEY MC CARTNEY: Maybe...

4 BY ATTORNEY LIES:

5 Q Okay, Mr. Aponte, we'll try it a different way. The  
6 three quotations or phrases that I posed to you a few minutes ago  
7 that you claim Mr. Castillo may have said from time to time, what  
8 was your interpretation of what those words meant or those  
9 phrases meant?

10 A Okay, well, he would use those phrases whenever  
11 somebody wouldn't do exactly what he wanted them to do. Whenever  
12 somebody wouldn't do specifically what he wanted, he would use  
13 those phrases.

14 And, I know a lot of Columbians, and he's the only one  
15 that I know of who uses those phrases.

16 Q Okay, I'd like to find out what your understanding of  
17 what the phrase meant, if it means something other than what I  
18 asked you earlier, "Don't be silly." or "Don't be stupid."

19 If it means something else besides that, tell me what  
20 you understand it means?

21 A Okay, it's something like telling somebody "Don't be an  
22 asshole."

23 Q So, it's a form of a curse word?

24 A To not say a curse word, he would say that.

25 Q Okay, now you just said a minute ago whenever

1 which ones you heard him use towards other Nalco employees?

2 A The one he would use the most is "No seas hueva."

3 Q And, how many times did you hear him using that phrase  
4 over the cell phone when he was talking to other employees of  
5 Nalco?

6 A I really don't remember how many times, but it was  
7 several times.

8 Q And, how many times did he use that phrase, which you  
9 say means "asshole", how many times did he use that phrase when  
10 he was talking with you?

11 A A few times, five, six times.

12 Q And, that was five or six times... strike that. Mr.  
13 Castillo and you worked together for how many years?

14 A Four or five years.

15 Q So, over a period of four or five years, he called you  
16 an asshole five or six times. Is that correct?

17 A Or more.

18 Q Okay, ten times?

19 A Probably, but I don't remember how many because there  
20 were a lot of incidents then.

21 Q Okay, I want to know was it five or six times or was it  
22 six or seven times? How many times was it?

23 A Let's say seven times.

24 Q Seven times. And, did you ever call Naperville, under  
25 the company's Anti-Harassment Policy, and make a complaint

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1 someone... whenever anyone would not do something that he wanted,  
2 he would use that phrase or those phrases. Do you recall telling  
3 us that a couple of minutes ago?

4 A Yes, that's correct.

5 Q Okay, so tell me who else he used that phrase with when  
6 they didn't do what he wanted them to do? And, I want your best  
7 recollection of everyone that you heard him make that comment to  
8 when they didn't do what Mr. Castillo wanted them to do.

9 A Well, the times that I remember that he used it and he  
10 wasn't using it with me was on the phone, when he was talking to  
11 some of the representatives who I didn't know who it was, when we  
12 were in the car and he would tell them.

13 Q You told us yesterday that, from time to time, you  
14 would pick him up at the Caribe Hotel, I believe, and drive him  
15 to work, to the offices. Is that right?

16 A Yes, that's correct.

17 Q And, while you were driving him, was he on his cell  
18 phone sometimes?

19 A That's correct.

20 Q So, when he was on his cell phone, it was your  
21 understanding that he was talking to someone, but you were only  
22 hearing one side of the conversation. Is that correct?

23 A Yes, that's correct.

24 Q And, you heard him talking to other Nalco employees  
25 using all three of these phrases or one of these phrases? Tell me

1 because you did not like Mr. Castillo using the term "asshole"?

2 A No, and I already explained that yesterday.

3 Q Okay, now, in addition to what you claim he may have  
4 said this to you seven times over a period of four or five years,  
5 and what you heard on the cell phone, did you hear him use that  
6 term when he was... when you were in the presence of another  
7 employee, and he used that term towards them?

8 A Yes, he used it.

9 Q Okay, and which other employees did he call an asshole  
10 during the time that Mr. Castillo was present with you and  
11 another employee?

12 A I can't say to which employee, but it was towards the  
13 group.

14 Q Okay, so he talked towards the entire group and used  
15 the term "asshole". Is that correct?

16 A On occasions, yes.

17 Q Okay, and who was in the group? Were there Puerto  
18 Ricans and non-Puerto Ricans in the group?

19 A Well, there were two who weren't Puerto Rican in that  
20 group, and one was Pablo Duggal and the other one was him.

21 Q So, when Mr. Castillo used the term "asshole", which  
22 you thought was rude, in front of a group, the group included  
23 individuals who were of Puerto Rican descent, as well as people  
24 who were not of Puerto Rican descent. Is that correct? Do I  
25 understand what you're telling me?

10 (Pages 216 to 219)

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<p>1 A Yes.</p> <p>2 Q Okay, and, when I used the term "asshole", that was</p> <p>3 your interpretation of what these three phrases mean. Is that</p> <p>4 correct? He didn't use the term "asshole". I was using that as a</p> <p>5 reference to using these three phrases. Do you understand that?</p> <p>6 A That's correct.</p> <p>7 ATTORNEY LIES: Okay, let's take a break. This is</p> <p>8 getting me all screwed up.</p> <p>9 (Off the record.)</p> <p>10 (Brief recess.)</p> <p>11 (Back on the record.)</p> <p>12 ATTORNEY LIES: Okay, let's go back on the record.</p> <p>13 BY ATTORNEY LIES:</p> <p>14 Q Mr. Aponte, I asked you some questions regarding these</p> <p>15 phrases that are contained in your Answers to Interrogatories.</p> <p>16 And, you gave us your interpretation of these phrases that are</p> <p>17 contained here and that are in the record as meaning something to</p> <p>18 the effect of "asshole". Is that correct?</p> <p>19 A That's correct.</p> <p>20 Q And, that is your interpretation. Is that correct?</p> <p>21 A Yes, given the tone and the situations that these were</p> <p>22 mentioned, yes.</p> <p>23 Q Okay, and Mr. Castillo never used the actual "asshole",</p> <p>24 which is "pendejo", did he?</p> <p>25 A That's correct.</p>	<p>1 A When the word "manada" was stated, to me, it wasn't</p> <p>2 "crowd". It was "pack".</p> <p>3 Q When was this? This was yesterday? I don't remember</p> <p>4 that word.</p> <p>5 A Yes, that's correct.</p> <p>6 Q Okay, so, other than that word or whatever that phrase</p> <p>7 means, you have no objection to the accuracy with which this</p> <p>8 Interpreter has taken the question, given it to you in Spanish,</p> <p>9 you've responded back, and he's given it back to me, do you, sir?</p> <p>10 ATTORNEY CUADROS-PESQUERA: Counsel, the only person who</p> <p>11 makes any objections here is the attorney representing the</p> <p>12 client, the Deponent.</p> <p>13 And, I stand by my objection that the word "pendejo"</p> <p>14 means "pubic hair". It does not mean "asshole".</p> <p>15 ATTORNEY MC CARTNEY: Your objection is noted.</p> <p>16 ATTORNEY CUADROS-PESQUERA: That's fine.</p> <p>17 ATTORNEY LIES: And, I respect your objection. My point</p> <p>18 is, if there is something that the Witness believes that</p> <p>19 this Interpreter has not accurately interpreted, then I'm</p> <p>20 going to go back to that, and we're going to straighten that</p> <p>21 out right now.</p> <p>22 Because, if this case goes to trial and the Witness</p> <p>23 says "That's not a correct interpretation.", I don't want to</p> <p>24 face that at trial.</p> <p>25 You certainly can make whatever objections you believe</p>
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<p>1 ATTORNEY CUADROS-PESQUERA: Counsel, at this point, I</p> <p>2 would like to clarify that the word "pendejo", in Spanish,</p> <p>3 is translated as "pubic hair" into English. It is not</p> <p>4 "asshole".</p> <p>5 INTERPRETER: The Interpreter is going to stand by his</p> <p>6 translation acknowledging that Counsel's translation, in a</p> <p>7 strict, literal, dictionary sense, is correct, and that is a</p> <p>8 correct translation.</p> <p>9 But, the Interpreter believes that, given the context</p> <p>10 and given the situation, the Interpreter's translation is</p> <p>11 accurate in this instance.</p> <p>12 ATTORNEY CUADROS-PESQUERA: I take issue with that</p> <p>13 translation.</p> <p>14 ATTORNEY LIES: Okay, let's get straight to the heart of</p> <p>15 this then.</p> <p>16 BY ATTORNEY LIES:</p> <p>17 Q Mr. Aponte, do you have any objection to the way in</p> <p>18 which this Interpreter has been interpreting my questions to you</p> <p>19 and your answers back to me after you have answered the question?</p> <p>20 Do you have any objection to anything he has said, in</p> <p>21 the last two days, about the way he has interpreted the questions</p> <p>22 that have been put to you and his response back to me?</p> <p>23 A Just one.</p> <p>24 Q And, what is the one you're talking about, what</p> <p>25 objection?</p>	<p>1 concerning that, and I understand that. Fine. I want to get</p> <p>2 this straightened out if there's any issues, and we only</p> <p>3 have it on one word apparently.</p> <p>4 BY ATTORNEY LIES:</p> <p>5 Q Is that correct? There's only one objection as to one</p> <p>6 word, the word "manada"?</p> <p>7 A To my best understanding, yes.</p> <p>8 ATTORNEY LIES: And, what does "manada", just so I know</p> <p>9 what that means?</p> <p>10 INTERPRETER: Well, the Interpreter may make a</p> <p>11 clarification. The Interpreter used the word "crowd" in a</p> <p>12 specific answer, and then the Interpreter used the word</p> <p>13 "pack" in the next sentence, in the next answer, that the</p> <p>14 Witness provided.</p> <p>15 And, the Interpreter believes that the word "pack" was</p> <p>16 a more accurate answer, but the word "crowd" was also an</p> <p>17 accurate answer. "Pack" was more accurate.</p> <p>18 BY ATTORNEY LIES:</p> <p>19 Q Mr. Aponte, are these phrases that we talked about</p> <p>20 earlier, that are in your Answers to Interrogatories, are those</p> <p>21 phrases that you have used from time to time?</p> <p>22 A No.</p> <p>23 Q You've never used those phrases at all in your entire,</p> <p>24 adult life?</p> <p>25 A No.</p>

11 (Pages 220 to 223)

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1 Q Okay, now you say, further in the answers to the same  
2 question:  
3 "After some time of hearing these phrases from Mr.  
4 Castillo, the Puerto Rican sales force began to use those  
5 phrases between them like a joke." Do you see that?  
6 A Yes, I see it.  
7 Q So, how many of the employees in the Puerto Rican sales  
8 force started using those terms like a joke?  
9 A Three or four.  
10 Q And, who were the three or four employees who used the  
11 term... these terms like a joke, as you have said your Answers to  
12 Interrogatories here?  
13 A Jorge Ortiz, Francisco Casanova, Ashok Duggal, and also  
14 Pedro Lara.  
15 Q And, anyone else?  
16 A Of the Puerto Rican sales force, no.  
17 Q Okay.  
18 A That's my best recollection.  
19 Q Okay, and how many times did you hear these employees  
20 from the Puerto Rican sales force using those phrases like a  
21 joke?  
22 A Practically every time there was a meeting.  
23 Q And, how frequently were there meetings?  
24 A There was supposed to be a monthly meeting and every  
25 time that they would see each other in the office.

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1 Q Okay, so at every one of these monthly meetings people  
2 were using these phrases like they were a joke. Is that correct?  
3 A At some moment, yes.  
4 Q Okay, and for how many years were employees using these  
5 phrases at the sales meetings like a joke?  
6 A Well, that, I really can't say in terms of a specific  
7 moment in time, but it was about two or three years.  
8 Q So, you heard these phrases being used as a joke by  
9 employees in the Puerto Rican sales force on a monthly basis for  
10 two or three years. Is that right?  
11 A Correct.  
12 Q Okay, when you... I believe you told us yesterday the  
13 day that you were terminated you started taking action to seek a  
14 pension reduction, did you not?  
15 A I don't remember having said that yesterday, but that  
16 is here in the answers.  
17 Q Now, on the day that you were terminated, you've told  
18 us what took place at that time. Did you have some type of legal  
19 obligation to pay a pension to your former wife for your son from  
20 your previous marriage?  
21 A Yes, that's correct.  
22 Q And, when you started to take action to have that  
23 pension reduced on the day that you were terminated, what did you  
24 do? Did you talk to Belkis?  
25 A Of course I spoke to her. And, also we spoke to an

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1 attorney. I spoke to an attorney to ask her what course of action  
2 I had to take in order to work with the pension, so it wouldn't  
3 accrue, so that I wouldn't end up in jail.  
4 Q So, what was the name of the attorney that you spoke  
5 to?  
6 A I don't remember.  
7 Q Did you call that attorney for the first time on the  
8 day that you were terminated?  
9 A It was a neighbor.  
10 Q So, the first time that you talked to the attorney  
11 about having a pension reduction was the same day that you were  
12 terminated?  
13 A Yes, about legal matters, yes.  
14 Q Okay, did you speak to Belkis before you were  
15 terminated about getting your pension reduced for the child of  
16 your first marriage?  
17 A No.  
18 Q And, did you get the pension reduced?  
19 A Yes.  
20 Q And, when did that happen? There's no answer in your  
21 Interrogatory.  
22 A When was it that the pension was reduced? It was like  
23 in September of last year. I don't remember very well.  
24 Q September of 2009?  
25 A Correct.

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1 Q And, was there a hearing for the determination about  
2 whether the pension should be reduced?  
3 A Yes, there was a hearing, and it was with... this  
4 person was a judge, but it's like a pension analyst.  
5 Q Okay, did you testify?  
6 A No.  
7 Q Did Belkis testify?  
8 A No, the only thing that was taken was the evidence of  
9 the income there was at that time, and nothing else.  
10 Q And, by the time the pension was reduced, you were  
11 already working for your new employer. Is that right?  
12 A Correct.  
13 Q Now, when did you and Belkis get married?  
14 A June, 2003.  
15 Q And, what was the date of the divorce?  
16 A April or March... I don't remember very well... of  
17 2009. That's a date that I don't remember.  
18 Q And, before getting divorced, did you and Belkis go to  
19 any marriage counselors?  
20 A No.  
21 Q When did you and Belkis first discuss getting divorced?  
22 A It was in the beginning of 2009.  
23 Q So, what happened to the marriage that caused... if you  
24 went to no marriage counselors and you hadn't discussed  
25 divorce... what caused this marriage to... you to discuss the

12 (Pages 224 to 227)

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<p style="text-align: right;">Page 228</p> <p>1 possibility of a divorce in early 2009?</p> <p>2 A That was through mutual consent that we didn't tell the</p> <p>3 judge.</p> <p>4 Q Was the divorce for economic reasons?</p> <p>5 A Again, we didn't tell the judge.</p> <p>6 Q I'm asking you was the divorce for economic reasons?</p> <p>7 What was the reason why you and Belkis decided to get divorced by</p> <p>8 consent?</p> <p>9 A Part of it was for financial reasons, but the other</p> <p>10 part was the separation that we had.</p> <p>11 Q Okay, when did the two... when did you and Belkis</p> <p>12 separate?</p> <p>13 A In October.</p> <p>14 Q Of what year?</p> <p>15 A 2008.</p> <p>16 Q And, what was the reason for the separation?</p> <p>17 A Working in Mayaguez.</p> <p>18 Q So, it wasn't because you two did not love each other</p> <p>19 anymore. It's because you were working in Mayaguez. Is that what</p> <p>20 the answer is?</p> <p>21 A Let me see how I can say this that it doesn't sound</p> <p>22 bad. There was also problems in the emotional side of the</p> <p>23 relationship due to the separation.</p> <p>24 There's a phrase here that I don't want to say it</p> <p>25 because it sounds bad, but it explains it well.</p>	<p style="text-align: right;">Page 230</p> <p>1 A Well, that word in Puerto Rican and Latin America is</p> <p>2 much stronger. It goes beyond being "stupid".</p> <p>3 Q So, you and Belkis divorced each other, at least</p> <p>4 according to you, to be in a long-distance relationship like this</p> <p>5 was stupid?</p> <p>6 A Well, it's not stupid. It's just that the distance</p> <p>7 damages the relationship.</p> <p>8 Q I don't mean to be insensitive, Mr. Aponte, but was</p> <p>9 there any infidelity involved in the decision to divorce, for you</p> <p>10 and Belkis to get divorced?</p> <p>11 A Neither of the two of us are people that, before</p> <p>12 finishing a relationship, would go into another one.</p> <p>13 Q I didn't ask you whether or not you were in another</p> <p>14 relationship. Were there any acts of infidelity that caused you</p> <p>15 and Belkis to get divorced?</p> <p>16 A That's why I answered what I answered. The answer is</p> <p>17 no.</p> <p>18 Q At this point in time, you told us about your</p> <p>19 relationship with Belkis. Do you consider yourself to still be in</p> <p>20 emotional love with her?</p> <p>21 A I have feelings, yes.</p> <p>22 Q Do you consider those to be feelings of love for</p> <p>23 Belkis?</p> <p>24 A Love to the mother of my children.</p> <p>25 Q Do you believe that Belkis has feelings of love for</p>
<p style="text-align: right;">Page 229</p> <p>1 Q And, what is the phrase?</p> <p>2 A "Amor de lejos, amor de pendejo."</p> <p>3 INTERPRETER: Just a second.</p> <p>4 PAUSE</p> <p>5 INTERPRETER: The Interpreter is going to state, for the</p> <p>6 record, that the Deponent has stated a very cultural, Puerto</p> <p>7 Rican phrase for which the Interpreter, right now, doesn't</p> <p>8 remember the appropriate English translation.</p> <p>9 The Interpreter is going to suggest that Counsels can</p> <p>10 do whatever they deem appropriate to state the phrase for</p> <p>11 the record in Spanish, and take it from there, whatever</p> <p>12 Counsels believe should be asked to the Witness.</p> <p>13 BY ATTORNEY LIES:</p> <p>14 Q Mr. Aponte, would you state whatever this phrase is</p> <p>15 that you're relying upon, in Spanish, for the record, so that we</p> <p>16 can have that on the record?</p> <p>17 A Yes. "Amor de lejos, amor de pendejo."</p> <p>18 Q So, this phrase "Amor de lejos, amor de pendejo.", does</p> <p>19 that mean something to the effect that "Love from afar means love</p> <p>20 that is stupid."?</p> <p>21 A It's a little bit stronger than that.</p> <p>22 Q So, tell us what the phrase means to you, sir?</p> <p>23 A It's that the last word that you used in the phrase is</p> <p>24 a word that's much stronger than "stupid".</p> <p>25 Q What does that word mean in the phrase that he used?</p>	<p style="text-align: right;">Page 231</p> <p>1 you?</p> <p>2 A Well, she feels love to me as the father of her</p> <p>3 children.</p> <p>4 Q Now, you told us yesterday that the two children are</p> <p>5 with her, and that you go over to the house for holidays and</p> <p>6 birthdays and spending time with the children. Do you recall when</p> <p>7 we talked about that yesterday?</p> <p>8 A Yes, that's correct.</p> <p>9 Q Okay, do you ever stay overnight at Belkis' house?</p> <p>10 A Yes.</p> <p>11 Q How frequently do you stay overnight at Belkis' house?</p> <p>12 A When I go to see the children.</p> <p>13 Q And, how frequently is that?</p> <p>14 A Once a week.</p> <p>15 Q Okay, and, since the time that you and Belkis have been</p> <p>16 divorced, have you ever had intimate relations with each other?</p> <p>17 A No.</p> <p>18 ATTORNEY LIES: Let me just take five minutes to see if</p> <p>19 I have anything else.</p> <p>20 (Off the record.)</p> <p>21 (Brief recess.)</p> <p>22 (Back on the record.)</p> <p>23 ATTORNEY LIES: Okay, back on the record.</p> <p>24 BY ATTORNEY LIES:</p> <p>25 Q I'm going to hand you what's been marked as Exhibit</p>

13 (Pages 228 to 231)

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Electronically signed by Gregoria Echevarria (401-409-341-5259)

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Donato Aponte-Navedo

<p style="text-align: right;">Page 232</p> <p>1 020.</p> <p>2 ATTORNEY LIES: And, for the record, it purports to be a</p> <p>3 copy of the Complaint that was filed on your behalf and</p> <p>4 Belkis' behalf in Federal Court.</p> <p>5 (Whereupon, the above-referenced document was marked as</p> <p>6 Exhibit 020 of the deposition.)</p> <p>7 BY ATTORNEY LIES:</p> <p>8 Q And, I'm going to ask you to take a moment, and tell me</p> <p>9 whether or not you've ever seen this document before?</p> <p>10 PAUSE</p> <p>11 (Revision of document by Deponent.)</p> <p>12 A Yes, I've seen it.</p> <p>13 BY ATTORNEY LIES:</p> <p>14 Q Okay, if you turn to page sixteen, there is what</p> <p>15 purports to be your signature under a Statement Under Penalty of</p> <p>16 Perjury.</p> <p>17 And, I'm going to ask you whether or not that, in fact,</p> <p>18 is your signature?</p> <p>19 A Yes, that's correct.</p> <p>20 Q And, did you sign the Statement Under Penalty of</p> <p>21 Perjury on or about March 6th of 2009?</p> <p>22 A Yes, that's correct.</p> <p>23 Q And, on that date, did you sign that Complaint, this</p> <p>24 document, Exhibit 020, in your lawyer's offices?</p> <p>25 A Yes, that's correct.</p>	<p style="text-align: right;">Page 234</p> <p>1 Q And, is there any other facts that you have that</p> <p>2 support your Complaint that you haven't told us about in your</p> <p>3 testimony yesterday and today, sir?</p> <p>4 A That I remember right now, at this moment, no. But, it</p> <p>5 could happen, just like yesterday, through the questions and the</p> <p>6 Examination, that something comes to mind.</p> <p>7 Q So, as you sit here today, based upon what you remember</p> <p>8 as of today's date, the current state of your memory, you have</p> <p>9 told us every fact that you are aware of that supports your</p> <p>10 Complaint or your Answers to Interrogatories. Is that correct?</p> <p>11 A That's correct.</p> <p>12 ATTORNEY LIES: Okay, at this time, I have no further</p> <p>13 questions, and I pass the Witness to Counsel, if he has any</p> <p>14 questions.</p> <p>15 ATTORNEY CUADROS-PESQUERA: We have no questions. Thank</p> <p>16 you very much.</p> <p>17 ATTORNEY LIES: Okay, Counsel, do you wish to then</p> <p>18 advise your client about his right to read the deposition,</p> <p>19 reserve his signature or to waive that right? I assume that</p> <p>20 exists down here. The Witness has a right to...</p> <p>21 ATTORNEY CUADROS-PESQUERA: Yes, usually, you will</p> <p>22 notify us with a copy, and we will give... you'll give us a</p> <p>23 number of days in which to review and subscribe or whatever.</p> <p>24 ATTORNEY LIES: I understand that. I just typically</p> <p>25 would want something on the record that says the Witness</p>
<p style="text-align: right;">Page 233</p> <p>1 Q And, was Belkis also in the office with you?</p> <p>2 A No.</p> <p>3 Q She wasn't there at the same time that you signed the</p> <p>4 Complaint?</p> <p>5 A No.</p> <p>6 Q And, did anyone explain to you, before you signed this</p> <p>7 document... strike that. What is your understanding of what</p> <p>8 perjury is?</p> <p>9 A To lie under oath.</p> <p>10 Q Okay, now you have not filed an Amended Complaint. This</p> <p>11 is the only Complaint you've filed, correct, sir, as far as you</p> <p>12 know?</p> <p>13 A As far as I know, yes.</p> <p>14 Q So, all the complaints that you have against Nalco are</p> <p>15 set out in this Complaint, which is Exhibit 020. Is that correct?</p> <p>16 A Correct.</p> <p>17 Q Okay, over the last day and a half, I've asked you a</p> <p>18 number of questions about matters in your Complaint and matters</p> <p>19 that are in your Answers to Interrogatories.</p> <p>20 Is there anything you would like to add, any additional</p> <p>21 facts that you would like to add, to any of the answers that you</p> <p>22 gave me to any of the questions I asked about your Complaint or</p> <p>23 your Answers to Interrogatories?</p> <p>24 A About the questions you've asked me and the answers</p> <p>25 I've given, no.</p>	<p style="text-align: right;">Page 235</p> <p>1 either through Counsel or alone, says "I reserve my right to</p> <p>2 read the deposition when presented to me, and make any</p> <p>3 corrections.", just so that's on the record.</p> <p>4 I don't know if that's local practice here or not.</p> <p>5 That's the practice...</p> <p>6 ATTORNEY CUADROS-PESQUERA: We've done it, and we've now</p> <p>7 done it. So, for the purposes...</p> <p>8 ATTORNEY LIES: Reserve the signature?</p> <p>9 ATTORNEY CUADROS-PESQUERA: ... let's reserve the</p> <p>10 signature.</p> <p>11 ATTORNEY LIES: All right, very well. Thank you very</p> <p>12 much, sir. We're done.</p> <p>13 DEPOSITION CONCLUDED OCTOBER 13, 2010, AT 11:40 A.M.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

14 (Pages 232 to 235)

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Electronically signed by Gregoria Echevarria (401-409-341-5259)

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Donato Aponte-Navedo

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## 1 CERTIFICATE OF REPORTER

2 I, GREGORIA ECHEVARRÍA, Court Reporter and a member of Vega  
3 Reportage;

4 DO HEREBY CERTIFY: That the foregoing transcript is a full,  
5 true and correct record of the testimony given which was taken  
6 down by me and thereafter reduced to the typewritten form under  
7 my direction and supervision.

8 I FURTHER CERTIFY: That I am not in any way involved or  
9 interested in the outcome of said action.

10 WITNESS my hand this 20th day of October, 2010, in San Juan,  
11 Puerto Rico.



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15 GREGORIA ECHEVARRÍA  
16 Court Reporter  
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## 1 CERTIFICATE OF DEPONENT

2 I, DONATO APONTE-NAVEDO, of legal age, certify that:

3 I have read the transcript of my deposition, taken on  
4 October 12, 2010, in the case before The United States District  
5 Court for the District of Puerto Rico, Donato Aponte-Navedo, et  
6 al, Plaintiffs versus Nalco Chemical Company, et al, Defendants,  
7 Case Number 09-CV-01232(GAG), from page one eighty (180) through  
8 two hundred and thirty-seven (237) inclusive, together with the  
9 corresponding exhibits that were attached, if any.

10 If there are corrections or amendments to the aforementioned  
11 transcript, the same are included as an addendum to the  
12 transcript. The pages are initialed and numbered by me,  
13 commencing with page number two hundred and thirty-eight (238).

14 IN WITNESS WHEREOF, I sign this document in San Juan, Puerto  
15 Rico, on the \_\_\_ day of \_\_\_, 2010.  
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22 DONATO APONTE-NAVEDO  
23 Deponent  
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15 (Pages 236 to 237)

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